

**FILE DESCRIPTION**

**NEW YORK FILE**

**SUBJECT** ROSENBERG / SOBELL COMMITTEE

**FILE NO.** 100 - 107111

**VOLUME NO.** BULKY EXHIBIT

**SERIALS** 743

THRU

795

## NOTICE

**THE BEST COPIES OBTAINABLE ARE INCLUDED IN THE REPRODUCTION OF THE FILE. PAGES INCLUDED THAT ARE BLURRED, LIGHT OR OTHERWISE DIFFICULT TO READ ARE THE RESULT OF THE CONDITION AND OR COLOR OF THE ORIGINALS PROVIDED. THESE ARE THE BEST COPIES AVAILABLE.**

JULIUS ROSENBERG, et al.  
NEW YORK BULKY EXHIBIT FILES

| Exhibit Number | Description          | Released | Denied | Withheld  |
|----------------|----------------------|----------|--------|---|
| 743            | HCUA PUBLICATION     |          |        | Public Source<br>✓                              |
| 744            | EXEMPT MATERIAL      |          | b7d    |   |
| 745            | LEAFLET              | ✓        |        |   |
| 746            | NEWSPAPER            |          |        | Public Source<br>✓ CONSIDERABLE TO REPRODUCE    |
| 747            | EXEMPT MATERIAL      | -        | b7d    |   |
| 748            | EXEMPT MATERIAL      |          | b7d    |   |
| 749            | NEWSPAPER            |          |        | Public Source<br>CONSIDERABLE TO<br>✓ REPRODUCE |
| 750            | LEAFLET              | ✓        |        |   |
| 751            | NEWSPAPER            |          |        | Public Source<br>CONSIDERABLE TO<br>✓ REPRODUCE |
| 752            | EXEMPT MATERIAL      |          | b7d    |   |
| 753            | NEWSPAPER            | ✓        |        |   |
| 754            | NEWSPAPER            |          |        | Public Source<br>CONSIDERABLE TO<br>✓ REPRODUCE |
| 755            | CONGRESSIONAL RECORD | ✓        |        |   |
| 756            | CIRCULAR             | ✓        |        |   |
| 757            | EXEMPT MATERIAL      |          | b7d    |   |
| 758            | LETTER               | ✓        |        |   |
| 759            | NEWSPAPER            |          |        | Public Source<br>✓ CONSIDERABLE TO<br>REPRODUCE |
| 760            | PAMPHLET             |          |        | NOT COPIED<br>DUE TO<br>✓ LENGTH                |
| 761            | NEWSPAPER ARTICLES   | ✓        |        |   |
| 762            | NEWSPAPER ARTICLES   | ✓        |        |   |
| 763            | NEWSPAPER ARTICLES   | ✓        |        |   |
| 764            | PETITION             |          |        | ✓ COURT DOCUMENT<br>NOT COPIED DUE<br>TO LENGTH |

JULIUS ROSENBERG, et al.  
NEW YORK BULKY EXHIBIT FILES

| Exhibit Number | Description                  | Released | Denied            | Withheld                                      |
|----------------|------------------------------|----------|-------------------|---|
| 765            | CIRCULAR                     | ✓        |                   |   |
| 766            | APPEAL                       | ✓        |                   |   |
| 767            | LETTER                       | ✓        |                   | PUBLIC SOURCE<br>Cumbersome To<br>✓ REPRODUCE |
| 768            | NEWSPAPER                    |          | 1 ENVELOPE<br>b7d |   |
| 769            | ENVELOPES (2)                | ✓        |                   | PUBLIC SOURCE<br>Cumbersome To<br>✓ REPRODUCE |
| 770            | NEWSPAPER                    |          |                   |   |
| 771            | PUBLICITY RELEASES AND Misc. |          | 1 p9              |   |
|                | LETTER                       | ✓        | b7d               |   |
|                | PRESS RELEASE                | ✓        | b7d<br>5 p99      |   |
|                | PRESS RELEASE                | ✓        |                   |   |
|                | EXEMPT MATERIAL              |          | 2 p99<br>b7d      |   |
|                | PRESS RELEASE                | ✓        | 13 p95<br>b7d     |   |
|                | PAMPHLET                     | ✓        |                   | NOT COPIED DUE<br>✓ TO LENGTH                 |
|                | PAMPHLET                     |          |                   |   |
|                | PRESS RELEASE                | ✓        |                   |   |
|                | PAMPHLET                     | ✓        |                   | PUBLIC SOURCE<br>Cumbersome To<br>✓ REPRODUCE |
|                | NEWSPAPER                    |          |                   |   |
|                | PRESS RELEASE + PAMPHLET     | ✓        |                   |   |
|                | PAMPHLETS + PRESS RELEASE    | ✓        | 2 p95<br>b7d      |   |
|                | PAMPHLETS                    | ✓        | 1 p9<br>b7d       |   |
|                | COURT DOCUMENT               | ✓        | 1 p9<br>b7d       |   |
|                | PAMPHLETS                    | ✓        | 6 p99<br>b7d      |   |



JULIUS ROSENBERG, et al.  
NEW YORK BULKY EXHIBIT FILES

| Exhibit Number | Description   | Released | Denied | Withheld                                 |
|----------------|---|----------|--------|--|
|                | REPRINT FROM COLUMBIA LAW REVISION REVIEW VOL 54 page 219 No 2  |          |        | PUBLIC SOURCE NOT COPIED DUE TO LENGTH ✓ |
| 772            | PAMPHLET  |          |        | PUBLIC SOURCE NOT COPIED DUE TO LENGTH ✓ |
| 773            | EXEMPT MATERIAL   |          | b7d ✓  |  |
| 774            | EXEMPT MATERIAL   |          | b7d ✓  |  |
| 774            | EXEMPT MATERIAL   |          | b7d ✓  |  |
| 775            | CIRCULAR  | ✓        |        |  |
| 776            | EXEMPT MATERIAL   |          | b7d    |  |
| 777            | NOT THE SAME EXHIBIT AS LISTED ON THE EXHIBIT SHEET<br>CIRCULAR | ✓        |        |  |
| 778            | CIRCULAR  | ✓        |        |  |
| 779            | EXEMPT MATERIAL   |          | b7d    |  |
| 780            | LEAFLET   | ✓        |        |  |
| 781            | CIRCULAR  | ✓        |        |  |
| 782            | EXEMPT MATERIAL   |          | b7d    |  |
| 783            | EXEMPT MATERIAL   |          | b7d    |  |
| 784            | EXEMPT MATERIAL   |          | b7d    |  |
| 785            | EXEMPT MATERIAL   |          | b7d    |  |
| 786            | REPRINT   | ✓        |        |  |
| 787            | PAMPHLET  | ✓        |        |  |
| 788            | NEWSLETTER  | ✓        |        |  |
| 789            | APPEAL  | ✓        |        |  |
| 790            | PHOTOGRAPHS   | ✓        |        |  |
| 791            | LITERATURE  | ✓        |        |  |



BULKY EXHIBIT - INVENTORY OF PROPERTY ACQUIRED AS EVIDENCE

Bufile: 100-387835

NY

Field Division

11/20/56

Date

Title and Character of Case:

NATIONAL COMMITTEE TO SECURE JUSTICE  
IN THE ROSENBERG CASE  
IS - C

Date Property Acquired:

SEE BELOW

Source From Which Property Acquired:

SEE BELOW

Location of Property or Bulky Exhibit:

VAULT

Reason for Retention of Property and  
Efforts Made to Dispose of Same:

EVIDENCE AND INFORMATION  
DISPOSITION: PERMANENT

Description of Property or Exhibit and  
Identity of Agent Submitting Same:

SEE BELOW

743. HCUA publication "Trial By Treason". Rec'd. on 8/27/56 from HCUA per WFO. Subm. by  
SA P. H. Sheridan on 10/1/56. 113 See serial 2171. 111

744. [REDACTED]

745. Leaflet "Keep the Press Rolling etc". [REDACTED] Subm. by  
SA L. S. Goodwin on 11/9/56.

746. Nov '56 Pamphlet "N. S. Prisoner on our conscience". [REDACTED]  
Subm. by SA L. S. Goodwin on 11/9/56.

747. [REDACTED]

748. [REDACTED]

57d

Field File #:

100-107111-1B134

|             |         |
|-------------|---------|
| SEARCHED    | INDEXED |
| SERIALIZED  | FILED   |
| NOV 23 1956 |         |
| FBI - NY    |         |
| [Signature] |         |

BULKY EXHIBIT - INVENTORY OF PROPERTY ACQUIRED AS EVIDENCE

Bufile: 100-387935

NY

Field Division

1/2/57

Date

Title and Character of Case:

NATIONAL COMMITTEE TO SECURE JUSTICE IN  
THE ROSENBERG CASE  
IS - C

Date Property Acquired:

SEE BELOW

Source From Which Property Acquired:

SEE BELOW

Location of Property or Bulky Exhibit:

VAULT

Reason for Retention of Property and  
Efforts Made to Dispose of Same:

EVIDENCE AND INFORMATION  
DISPOSITION: PERMANENT

Description of Property or Exhibit and  
Identity of Agent Submitting Same:

SEE BELOW

b7d

- 749. November copy of Morton Sobell Newspaper. [redacted] Subm. by SA R. Murphy on 11/23/56. [redacted]
- 750. Mimeographed letter received by [redacted] explaining publication of "Morton Sobell Prisoner On Our Conscience". Return address Room D, 940 Hwy, NY 10, NY. [redacted] Subm. by SA E. Gull on 11/23/56.
- 751. Newspaper entitled "Morton Sobell Prisoner On Our Conscience" dtd 11/56 [redacted] Subm. by SA E. H. Gall on 11/23/56.
- 752. [redacted]
- 753. 1 reprint of "The Nation" re Sobell Case. [redacted] Subm. by SA Light on 1/2/57.
- 754. 1 copy "Martin Sobell Prisoner on Our Conscience". [redacted] Subm. by SA R. Light, on 1/2/57.
- 755. Copy Congressional Record "The Sobell Case" [redacted] Subm. by SA Light on 1/2/57.
- 756. Circular "The Sobell Case In Perspective" [redacted] Subm. by SA L. S. Goodson on 1/2/57.
- 757. [redacted]

Field File #:

|                |         |
|----------------|---------|
| SEARCHED       | INDEXED |
| SERIALIZED     | FILED   |
| JAN 2 1957     |         |
| FBI - NEW YORK |         |

BULKY EXHIBIT - INVENTORY OF PROPERTY ACQUIRED AS EVIDENCE

Bufile: 100-387835

NY Field Division

1/2/57 Date

Title and Character of Case:

NATIONAL COMMITTEE TO SECURE JUSTICE IN  
THE ROSENBERG CASE  
IS - C

Date Property Acquired:

SEE BELOW

Source From Which Property Acquired:

SEE BELOW

Location of Property or Bulky Exhibit:

VAULT

Reason for Retention of Property and  
Efforts Made to Dispose of Same:

EVIDENCE AND INFORMATION  
DISPOSITION: PERMANENT

Description of Property or Exhibit and  
Identity of Agent Submitting Same:

SEE BELOW

- 758. Emily Alman Letter. [redacted] Subm. by SA R. E. Kent on 1/2/57.
- 759. Morton Sobell newspaper. [redacted] Subm. by SA R. E. Kent on 1/2/57.
- 760. Pamphlet "On Our Conscience" The Story of Morton Sobell by Emily and David Alman. [redacted] Subm. by SA J. M. Browne on 1/2/57.
- 761. Photostat of a column from the Mount Dora Topic dtd 7/19/56 reprinted by the Committee to Secure Justice in the Morton Sobell case. [redacted] Subm. by SA J. M. Browne on 1/2/57.
- 762. Photostat of a column which appeared in the St. Louis Post-Dispatch and which was reprinted by the Committee to Secure Justice for Morton Sobell. [redacted] Subm. by SA J. M. Browne on 1/2/57.
- 763. Photostat of a column which appeared in the Capital Times dtd 6/20/56 reprinted by the Committee to Secure Justice for Morton Sobell. [redacted] Subm. by SA J. M. Browne on 1/2/57.
- 764. Photostat of a petition filed by Morton Sobell in SDNY requesting a new hearing in his case. [redacted] Subm. by SA Browne on 1/2/57

b7d

100-107111-1B136

|                |         |
|----------------|---------|
| SEARCHED       | INDEXED |
| SERIALIZED     | FILED   |
| JAN 2 1957     |         |
| FBI - NEW YORK |         |

*[Handwritten initials]*

Field File #:

BULKY EXHIBIT - INVENTORY OF PROPERTY ACQUIRED AS EVIDENCE

File: 100-337335

NY Field Division

2/12/57 Date

Title and Character of Case:

NATIONAL COMMITTEE TO SECURE  
JUSTICE IN THE ROSENBERG CASE  
IS - C

Date Property Acquired:

SEE BELOW

Source From Which Property Acquired:

SEE BELOW

Location of Property or Bulky Exhibit:



VAULT

Reason for Retention of Property and  
Efforts Made to Dispose of Same:

EVIDENCE AND INFORMATION  
DISPOSITION: PERMANENT

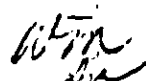
Description of Property or Exhibit and  
Identity of Agent Submitting Same:

SEE BELOW

65. Circular letter dated November, 1956, from Committee to Secure Justice  
for Morton Sobell, bearing printed signature of Emily Alman.   
 Subm. by SA Richard F. Bates on 2/7/57.

b7d

Field File #:

100-107111-1B137  
SEARCHED  INDEXED   
SERIALIZED  FILED   
FEB 12 1957  


BULKY EXHIBIT - INVENTORY OF PROPERTY ACQUIRED AS EVIDENCE

Bufile: 100-397835

NY Field Division

3/19/57 Date

Title and Character of Case:

NATIONAL COMMITTEE TO SECURE  
JUSTICE IN THE ROSENBERG CASE  
IS - C

Date Property Acquired:

SEE BELOW

Source From Which Property Acquired:

SEE BELOW

Location of Property or Bulky Exhibit:

VAULT

Reason for Retention of Property and  
Efforts Made to Dispose of Same:

EVIDENCE AND INFORMATION  
DISPOSITION: PERMANENT

Description of Property or Exhibit and  
Identity of Agent Submitting Same:

SEE BELOW

- 766. Appeal to President Eisenhower for the release of Morton Sobell, with a page and a half of names who have signed the appeal.
- 767. One letter addressed to Dear Friend, signed by Helen Sobell.
- 768. One four page newspaper dated Nov. 1956, entitled "Morton Sobell" Prisoner On Our Conscience.
- 769. The original envelope material received in by [redacted] and a business reply envelope addressed to Mrs. Morton Sobell, Rm. D., 940 Bdwy, NY.
- 770. Nov. 1956 issue of newspaper "Morton Sobell Prisoner on Our Conscience". [redacted] Subm. by SA Sheridan on 3/7/57.
- 771. One complete set of publicity releases [redacted] Subm. by SA Sheridan on 3/12/57.

b 7d

Field File #:

100-102111-15138

SEARCHED *cm* INDEXED *cm*

FILED *cm*

*per*

BULKY EXHIBIT - INVENTORY OF PROPERTY ACQUIRED AS EVIDENCE

Bufile: 100-387835

NY Field Division

4/4/57 Date

Title and Character of Case:

NATIONAL COMMITTEE TO SECURE  
JUSTICE IN THE ROSENBERG CASE  
IS - C

Date Property Acquired:

SEE BELOW

Source From Which Property Acquired:

SEE BELOW

Location of Property or Bulky Exhibit:

VAULT

Reason for Retention of Property and  
Efforts Made to Dispose of Same:

EVIDENCE AND INFORMATION  
DISPOSITION: PERMANENT

Description of Property or Exhibit and  
Identity of Agent Submitting Same:

SEE BELOW

772. Pamphlet "Never Losing Faith for Julius & Ethel Rosenberg".  
I. Sheridan on 3/25/57. Subm. by SA Philip

773. [REDACTED]

b7d

Field File #:

100-107111-16151  
SEARCHED..... INDEXED.....  
SERIALIZED..... FILED.....  
APR 11 1957  
L. J. A.



BULKY EXHIBIT - INVENTORY OF PROPERTY ACQUIRED AS EVIDENCE

Bufile: NY Field Division  
5/13/57 Date  
 Title and Character of Case: NATIONAL COMMITTEE TO SECURE JUSTICE  
 IN THE ROSENBERG CASE  
 IS - C  
  
 Date Property Acquired: SEE BELOW  
  
 Source From Which Property Acquired: SEE BELOW  
  
 Location of Property or Bulky Exhibit: VAULT  
  
 Reason for Retention of Property and Efforts Made to Dispose of Same: EVIDENCE AND INFORMATION  
 DISPOSITION: PERMANENT  
  
 Description of Property or Exhibit and Identity of Agent Submitting Same: SEE BELOW

- 774. [REDACTED]
- 775. Circular re boat ride on 5/26/57 sponsored by Sobell Committee.  
 Subm. by SA Lawler on 5/5/57.
- 776. [REDACTED]
- 777. [REDACTED]

b7d

Field File #:

100-10711-12340

|                |         |
|----------------|---------|
| SEARCHED       | INDEXED |
| SERIALIZED     | FILED   |
| MAY 13 1957    |         |
| FBI - NEW YORK |         |

BULKY EXHIBIT - INVENTORY OF PROPERTY ACQUIRED AS EVIDENCE

Bufile: NY Field Division

5/23/57 Date

Title and Character of Case: NATIONAL COMMITTEE TO SECURE JUSTICE  
IN THE ROSENBERG CASE  
IS - C

Date Property Acquired: SEE BELOW

Source From Which Property Acquired: SEE BELOW

Location of Property or Bulky Exhibit: VAULT

Reason for Retention of Property and Efforts Made to Dispose of Same: EVIDENCE AND INFORMATION  
DISPOSITION: PERMANENT

Description of Property or Exhibit and Identity of Agent Submitting Same: SEE BELOW

- 679. Announcement of a Hudson River Boat Ride to Bear Mountain Sunday, 5/26/57 sponsored by the Sobell Committee, 940 Broadway, NYC. [REDACTED] Subm.
- 680. [REDACTED]
- 681. Leaflet entitled "The Case of Morton Sobell" bearing photo of Morton Sobell and announcing discussion of case 4/14/57 at 116 Union Pl. [REDACTED]
- 682. [REDACTED]
- 683. [REDACTED]

b7d

Field File #:

100-107111-161A1

SEARCHED \_\_\_\_\_  
SERIALIZED \_\_\_\_\_  
MAY 23 1957

[Handwritten signature]

BULKY EXHIBIT - INVENTORY OF PROPERTY ACQUIRED AS EVIDENCE

Bufile: 100-33733b

NEW YORK

Field Division

6/14/57

Date

Title and Character of Case:

NATIONAL COMMITTEE TO SECURE JUSTICE  
IN THE ROSENBERG CASE  
IS-C

Date Property Acquired:

SEE BELOW

Source From Which Property Acquired:

SEE BELOW

Location of Property or Bulky Exhibit:

VAULT

Reason for Retention of Property and  
Efforts Made to Dispose of Same:

EVIDENCE AND INFORMATION  
DISPOSITION: PERMANENT

Description of Property or Exhibit and  
Identity of Agent Submitting Same:

SEE BELOW

782.

783.

784.

785.

786.

Reprint of 3/27/55 article in "The Nation".  
Subm. by SA William G. Linshan on 5/27/57.

b7d

NOTE: THIS GRASH COPY REPRODUCED FROM ORIGINAL BLOCKSTAMPED

100-11211-10312  
6/3/57

BULKY EXHIBIT - INVENTORY OF PROPERTY ACQUIRED AS EVIDENCE

Bufile: 100-387835

NY \_\_\_\_\_ Field Division

6/27/57 \_\_\_\_\_ Date

Title and Character of Case:

NATIONAL COMMITTEE TO SECURE  
JUSTICE IN THE ROSENBERG CASE  
IS - C

Date Property Acquired:

SEE BELOW

Source From Which Property Acquired:

SEE BELOW

Location of Property or Bulky Exhibit:

VAULT

Reason for Retention of Property and  
Efforts Made to Dispose of Same:

EVIDENCE AND INFORMATION  
DISPOSITION: PERMANENT

Description of Property or Exhibit and  
Identity of Agent Submitting Same:

SEE BELOW

- 87. Photostat of pamphlet "The Facts in the Case of Morton Sobell".
- 88. Photostat of January 1957 "Sobell Newsletter".
- 89. Mimeographed "Appeal to the President" with attached list of individuals who signed. Subm. by SA William G. Linehan on 6/17/57.

b7d

Field File #:

100-107111-11343

*Am*  
100-107111-11343

*Wye*  
*Len*

BULKY EXHIBIT - INVENTORY OF PROPERTY ACQUIRED AS EVIDENCE

File: 100-387935

NY Field Division

7/1/57 Date

Title and Character of Case:

NATIONAL COMMITTEE TO SECURE  
JUSTICE IN THE ROSENBERG CASE  
IS - C

Date Property Acquired:

SEE BELOW

Source From Which Property Acquired:

SEE BELOW

Location of Property or Bulky Exhibit:

VAULT

Reason for Retention of Property and  
Efforts Made to Dispose of Same:

EVIDENCE AND INFORMATION  
DISPOSITION: PERMANENT

Description of Property or Exhibit and  
Identity of Agent Submitting Same:

SEE BELOW

- 790. 1 roll of negs & 2 sets of photographs of individuals attending Premier Palace "East NY & Brownsville Sobell Committee" meeting 6/21/57. Rec'd 6/21/57 from Photo surveillance, 505 Sutter Ave. Bklyn., NY. Subm. by SA P.H. Sheridan on 6/28/57. am
- 791. Literature from Committee to Secure Justice for Morton Sobell. Flyer dtd 3/57 entitled "The Sobell Case Across the Country". [REDACTED]
- 792. Literature from committee to secure justice for M. Sobell. Lt dtd 3/15/57 with enc. [REDACTED] drt
- 793. Literature from committee to secure justice for Morton Sobell - Flyer dtd 5/21/57 entitled "Issues in Morton Sobell Case going Before Supreme Court". [REDACTED]

- 794. [REDACTED]
- NOTE: [REDACTED]
- 795. [REDACTED]

b7d

100-10711-1A44

Field File #:

10711

.....  
Keep the Presses Rolling  
.....

.....  
with the Facts in the Sobell Case  
.....

Here it is, just off the press--our four-page newspaper that people have been asking for to meet the demand for more information about activity and progress taking place in the Sobell case. We have already received many enthusiastic reactions. Our first printing is 1,000. With additional printings in the next months, we hope to see hundreds of thousands distributed throughout the country. Think of the effect if our thousands of supporters everywhere undertake to circulate this paper in their respective areas! It will guarantee that as the case goes before the Appeals Court this Fall, many more Americans will know the facts.

We are asking everyone to arrange for distributing the paper and to place their orders--the largest orders possible--immediately. This is a paper that can be sent to your community leaders, to people on various mailing lists you can obtain, to people in your city already sympathetic to the case, to everyone you can think of reaching. The paper can be used for distribution at public functions, on street corners, at factories. It can also be used for fund-raising, being mailed with a letter asking for a contribution. Our committee can promptly return postage-paid envelopes for such mailings.

What we propose is that every group of persons who can possibly do so order and arrange to distribute 1,000 copies as a start. Those who can't possibly distribute this amount can, of course, order less, but we ask you to set your sights high and consider whether you can get 1,000 persons in your city to give this newspaper to immediately. (The large committees will be distributing the paper in the tens of thousands.)

The economics of the paper are not difficult. One thousand will cost you \$20. Lesser quantities are at \$3 per hundred. Because we must pay in cash to the printer, it is essential that orders be paid for in advance. However, we are confident that a sum such as \$20 can be raised quickly to cover this valuable and challenging project.

We are looking forward to receiving your orders and hearing of your plans as quickly as possible.

Committee to Secure Justice for Morton Sobell

940 Broadway, New York City

745

.....  
Keep the Presses Rolling  
.....

.....  
with the Facts in the Sobell Case  
.....

Here it is, just off the press--our four-page newspaper that people have been asking for to meet the demand for more information about activity and progress taking place in the Sobell case. We have already received many enthusiastic reactions. Our first printing is 1,000. With additional printings in the next months, we hope to see hundreds of thousands distributed throughout the country. Think of the effect if our thousands of supporters everywhere undertake to circulate the paper in their respective areas! It will guarantee that as the case goes before the Appeals Court this Fall, many more Americans will know the facts.

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We are looking forward to receiving your orders and hearing of your plans as quickly as possible.

Committee to Secure Justice for Morton Sobell

940 Broadway, New York City

b7d 750

Reprinted from

THE *Nation*

b7d

JUNE 23, 1956

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THE  
SOBELL  
CASE

.. by *Stephen Love*

753



# THE SOBELL CASE . . . by Stephen Love

THE CASE of Morton Sobell, now serving a thirty-year sentence in Alcatraz, presents a striking example of mass misunderstanding induced by self-styled "news commentators" and newspaper reporters, very few of whom have examined the record.

The record does not justify the designation of Sobell as a traitor or as an "atomic spy."

Sobell was not even indicted as a traitor. He was tried on a superseding indictment returned in the U. S. District Court for the Southern District of New York on January 31, 1951, charging him with having conspired with Julius and Ethel Rosenberg, Anatoli A. Yakolev, David Greenglass, Ruth Greenglass and Harry Gold, between June 6, 1944, and June 15, 1950, while the United States was at war, to deliver to the Soviet Union certain documents, sketches and information relating to the national defense of the United States, with intent and reason to believe that it would be used to the advantage of the Soviet Union. There was no charge that this might be harmful to the United States.

As a matter of fact, Sobell was not even named in the original indictment returned August 17, 1950, in which the only defendants were the Rosenbergs and Anatoli A. Yakolev, a former Russian vice-consul in New York, who, as the government knew, had been allowed to return to Russia in 1946 and could not be tried.

The government filed a list of twelve alleged overt acts, charged to the Rosenbergs, all of which were laid between June 6, 1944, and January 14, 1945, well before the advent of the cold war. As against Sobell, the government filed a bill of particulars charging him with having joined the conspiracy on or about June 15, 1944, and with five "overt

acts," consisting of conversations with Julius Rosenberg between January, 1946, and May, 1948.

At the outset, it is indisputable that despite the fact that the gravamen of the indictment was the delivery of the documents, sketches and information relating to our national defense, nevertheless, not a single witness testified, nor was there a scrap of paper, to the effect that Sobell had delivered anything to anybody at any time relating to our national defense. With the exception of the witnesses who testified to Sobell's alleged flight to Mexico, there were only two witnesses who even mentioned the name of Sobell, namely, Max Elitcher and William Danziger.

MOREOVER, even the characterization of Danziger as a witness against Sobell is hardly justified. Danziger testified that he and Sobell had attended school and college together and also worked together for some years at the navy Bureau of Ordnance in Washington; that he had visited Sobell at the latter's home in May, 1950, when he told Sobell that he was in the electrical business and had asked Sobell for the address of Julius Rosenberg, who, Sobell told him, was in the machine-shop business, it being the witness' idea that he might give Rosenberg some machine-shop work. Danziger also testified that Sobell told him that he was leaving for a vacation in Mexico in June, 1950, and that, some time later, he received a letter from Sobell from Mexico City, the return address name on which was M. Sowell, the envelope containing a letter to be forwarded to his sister-in-law, Edith Levitov, and to his parents, the return address on this letter being that of M. Levitov.

The only witness against Sobell who offered any testimony as to any conspiracy or any acts pursuant thereto was Max Elitcher, who had attended high school and then college with Sobell until 1938. He testified that in 1939 he and Sobell had

a conversation in regard to the Communist Party; that he joined a cell of the Communist Party in Washington at Sobell's suggestion; and attended meetings of that cell for two or three months after May, 1941, and until 1941; that he continued to be a member of the Communist Party until 1948, one group of the party being known as the National Branch. He testified nothing further about membership in the Communist Party, but said that he met Sobell again in 1947 at the Reentry Instrument Plant in New York where Sobell asked him if he knew of students who could be approached concerning espionage and obtain classified material.

Elitcher further testified that during the week preceding Labor Day in 1944 he had a conversation with Sobell, and that Sobell was anxious when he heard that Rosenberg had mentioned his name; that Sobell was employed in the General Electric Plant in Schenectady in 1946; that Sobell asked Elitcher whether there was any written material available as to his work; that Sobell suggested or "implied" that Elitcher was to talk to Rosenberg about espionage business in 1946; that in 1947, when he met Sobell at the Sugar Bowl Restaurant, the latter asked him whether his wife knew about the espionage business and also asked him whether he would let Sobell know of any engineering students who were "progressive"; that in June, 1948, Elitcher told Sobell that he was leaving the Bureau of Ordnance and that Sobell asked him to do nothing about it until he had discussed things with Rosenberg, subsequent to which Sobell arranged a meeting between Elitcher and Rosenberg; that at the meeting Sobell and Rosenberg tried to persuade Elitcher to stay at the Bureau of Ordnance because Rosenberg needed someone there for espionage purposes, but that Elitcher adhered to his determination to leave Washington.

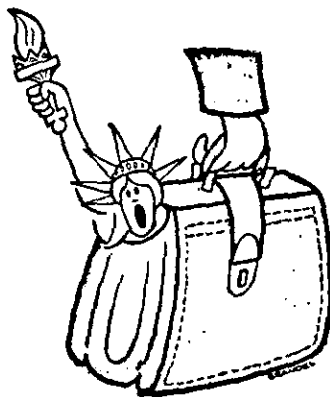
Elitcher finally testified that in July or August, 1948, when he

STEPHEN LOVE, a member of the Illinois bar, is professor of law at Northwestern University.

driving from Washington to Sobell's home in New York, he was followed by two cars and that when he told this to Sobell, the latter was angry; that Sobell asked him to go with him to deliver a thirty-five-millimeter-film can to Rosenberg and that they drove to the neighborhood of the *Journal American* building, where Sobell got out of the car; that when Sobell returned he told him that Rosenberg was not concerned about Elitcher's having been followed and that Rosenberg also admitted that he had once talked to Elizabeth Bentley, but said that she had not recognized his voice. The last time the witness talked to Sobell was in June, 1950.

There were five witnesses who testified in relation to Sobell's visit to Mexico in July, 1950; the gravamen of their testimony was that Sobell had used the names of M. Sand, Morris Sand, Marvin Salt and N. Sand; one of them also testified that Sobell had sent two letters intended for his wife, then in Mexico City, enclosed in envelopes addressed to the witness. One of these witnesses testified that Sobell had told him that he was afraid to return to the U. S. army since he already had seen a war, had experienced war; the government thereupon produced the records to show that Sobell had never served in the army.

The foregoing was the only evidence against Sobell. The trial judge instructed the jury, "If you do not believe the testimony of Max Elitcher as it pertains to Sobell, then you must acquit the defendant Sobell." The jury believed Elitcher, although this witness admitted that he knew he had committed perjury in 1947 in applying for a government position, in executing a loyalty oath and in concealing the fact that he was then a Communist. He admitted also that when he was interrogated about the Sobell case by the FBI in 1950, they told him that they knew he was a Communist, and that he was then fearful that he would be prosecuted for perjury. The trial judge, on the basis of Elitcher's testimony, sentenced Sobell to thirty years in the penitentiary.



Since the evidence against Sobell was obviously so inconclusive, the question arises as to why he was found guilty. There are several answers:

1. The most potent factor was that although Sobell and his co-defendants, the Rosenbergs, had not been indicted and ostensibly were not being tried on the charge of being Communists, the U. S. attorney, in his opening statement, introduced that element into the case by vigorously charging that the loyalty of the defendants was "not to our country, but . . . to communism," and by referring to them as "traitorous Americans" guilty of "traitorous activities" and "treasonable acts." This despite the fact that the defendants were not on trial for treason. Following this line, the government introduced extensive and colorful testimony of Harry Gold and the ubiquitous Elizabeth Bentley with respect to their respective activities in behalf of the Communists: each had a Roman holiday on the stand. The trial court permitted this testimony even though neither Gold or Bentley knew either Sobell or the Rosenbergs, and the name of Sobell was not mentioned in the testimony of either.

When the defendants objected to this line of evidence, the trial judge held that the inquiry was proper as going to the motive of the defendants to commit the acts charged against them. (The U. S. Circuit Court of Appeals subsequently upheld his ruling). The trial judge went on to caution the jurors that

they were "not to determine guilt or innocence of a defendant whether or not he is a Communist. While such a performance by a trial judge may be legally sound, in the long run it is one of the less amiable hypocrisies of the law. In these days repeatedly to call a defendant in a criminal case a Communist and to expect him to get a fair trial before a jury simply because the trial judge directs the jury to disregard the charge is either naive or inane."

2. Apparently convinced that there was not enough evidence to justify conviction, counsel for Sobell not permit him to take the stand, that was a mistake, as it now appears.

3. The trial judge repeatedly stated the presence of the jury, demonstrated his hostility to the defendants and their counsel. The Circuit Court of Appeals held, however, that no reversible error had been committed by him in this respect.

4. The government made it appear that Sobell had fled to Mexico in 1950 and that Mexico had deported him; it even offered in evidence a card in the possession of U. S. immigration authorities which appeared the phrase, "Sobell and the Rosenbergs reported from Mexico."

Sobell and the Rosenbergs won their appeal to the circuit court by a two-to-one decision. Judge Jerome Frank, in a dissenting opinion, argued that Sobell was entitled to a new trial on the ground that the evidence established, if anything, separate conspiracies: (a) a conspiracy between Rosenberg and Sobell to solicit and obtain Elitcher's aid in espionage activities and to send military engineering and control information to Europe; (b) a conspiracy between Rosenberg, Greenglass and Gold to send information to Russia, with the conspiracy Sobell was not even remotely linked by any evidence. Judge Frank held that trying Sobell with defendants charged with another conspiracy, with which he had no connection, was grave reversible error.

BUT the majority of the Circuit Court of Appeals held that

was no error of law, and the Supreme Court has steadfastly refused to review the record. As succinctly stated by Mr. Justice Black: "This Court has never reviewed this record and has never affirmed the fairness of the trial." It seems incredible that in a capital case, in which two defendants receive the death sentence and the other a thirty-year sentence, the Supreme Court refuses to take jurisdiction to ascertain whether they had had a fair trial. This is particularly tragic in view of the fact that even in the Circuit Court of Appeals the defendants did not have a hearing as to the sufficiency of the evidence to sustain the convictions against them. As stated by Judge Frank: ". . . Where trial is by jury, this court is not allowed to consider the credibility of witnesses or the reliability of testimony. Particularly in the federal judicial system, that is the jury's province."

In other words, once a jury, into whose ears are drummed the word "Communists" and who are hearing a case before a judge obviously unfriendly to the defendants, finds the defendants guilty, then thereafter no court of review can find that the jury was wrong in its verdict.

Confronted with this situation, counsel for Sobell has had to rely on a different approach.

Sobell and his family left the United States for Mexico in 1950; there was considerable doubt as to their reasons for leaving. If they left under circumstances indicating a consciousness of guilt, that would be a potent, perhaps a conclusive, factor in the minds of the jury. If, on the other hand, their stay there was to be temporary, or, more convincingly, if they returned to the United States before Sobell had been indicted, then this assumption of a consciousness of guilt would be eliminated. It was, therefore, an important link in the government's case to prevent Sobell's voluntary return. The U. S. government prevented such a return by having the Mexican secret police seize Sobell in Mexico, rush him to Laredo, Texas, and there turn him over to the U. S. Immigration Service. That this was done without any judicial process, and without any hearing, is incontrovertible. It was an abduction, even involving physical assault.

To make its charge even stronger, the government somehow produced and offered in evidence a card purporting to be a document prepared

and kept by an immigration inspector of the Immigration Service bearing the legend, "Deported from Mexico." Since there had been no deportation procedure or hearing in Mexico, the entry was patently correct. That it did irreparable damage to Sobell's cause in the eyes of the jury cannot be doubted.

COUNSEL for Sobell has filed a petition before the same trial judge who sentenced him, setting aside the facts as to the alleged deportation and asking for a new trial. The petition alleges that the prosecuting authorities had knowingly, fully and intentionally used false and perjurious testimony, had made false representations to the court and had suppressed evidence which would have impeached and refuted the testimony given against Sobell.

If the trial judge rejects the defense petition, counsel will docket and present the matter to the Circuit Court of Appeals. That case will then be squarely confronted with the question as to whether the conviction obtained by such methods will be upheld as the basis for a thirty-year sentence to a defendant against whom there was no reliable evidence.

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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 84<sup>th</sup> CONGRESS, SECOND SESSION

## The Sobell Case

EXTENSION OF REMARKS

OF

HON. WILLIAM LANGER

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 9, 1956

Mr. LANGER. Mr. President, I ask unanimous consent to have printed in the Appendix of the RECORD a speech I made in New York City on September 29, 1955.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR LANGER AT CARNEGIE HALL,  
NEW YORK, SEPTEMBER 29, 1955

Mr. Chairman, Mrs. Sobell, and my friends, I am delighted that Mrs. Sobell told you that I was the Senator from North Dakota. North Dakota, believe it or not, is the greatest State in the Union. Every once in a while this evening when one of these distinguished guests came to me and said they were glad I was here and commenced to pay compliments to me for being here, I said to them that we have scores of folks out there in North Dakota who would do it if they were in my place.

I believe one of the greatest jobs in the United States is that of being United States Senator. That is especially true if you represent a great State, if you don't owe any obligations to anybody but to the people, where you can say anything you want to and do anything you want to and be entirely happy while you are doing it. I want the press to know that, and they are here, I understand, tonight, to report my speech. I want them to tell the press in North Dakota that WILLIAM LANGER spoke here tonight and he is very, very happy to be here.

Upon these other occasions on which I have appeared here in Carnegie Hall, I promised to put certain articles and legal instruments into the CONGRESSIONAL RECORD. I placed, and maybe Mrs. Sobell will feel better, I think, when I tell her, I placed the William Peters case into the CONGRESSIONAL RECORD, and he won. And I put the Schneider case into the RECORD, and he won. Of course, you all know that great champion of human rights here in New York City, Corliss Lamont. I can't tell you the great pleasure it gave me to rise on the Senate floor at the time when he was cited for contempt by the McCarthy committee, to appear there and help Senator LEHMAN, of your State, in that great fight we made to keep Corliss Lamont from being cited. And what particularly pleased me was that a few weeks later, we, Senator LEHMAN and I, had the great pleasure of reading the decision of the court upon the floor of the Senate, saying that Corliss Lamont was not guilty of contempt.

When I became attorney general of my State, as Mrs. Sobell told you, I was only a young fellow. I found 441 men (they weren't all men; there were 7 women) 441 altogether, confined in the penitentiary. It gave me a great deal of pleasure to have a thorough investigation made of every case. You would be interested to know that in there we found 2 Negroes, and you know in North Dakota we only have a population of 208 Negroes altogether, and so when I found 2 of them in the penitentiary sentenced to life, Mr. Williams and Mr. McGee, we spent \$400 and got out the record and got it before the pardon board. Then we found out that both those men were absolutely innocent and both of them were discharged. It is our belief out there in North Dakota it is better to have my guilty men

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than have 1 innocent man sent to the penitentiary.

When I came to the Senate, I had had varied experiences. One was as county attorney of a county, and as attorney general of the State, and as governor. When I became a United States Senator, I promptly proceeded to organize a committee on national penitentiaries. Nobody else wanted the job so they gave it to me. I was the chairman of that committee for a great number of years, and when the Democrats got in—due to WAYNE MORSE—I lost my chairmanship and the result was I am only 1 of 3.

#### PRISON CONDITIONS

In these penitentiaries we have 21,500 inmates and most of these people haven't got a friend on earth. A lot of them aren't as lucky as Morton Sobell to have a beautiful, fine wife who is loyal to him and anxious to help him. You find quite the opposite in some of these cases. As chairman of that committee and as a member of that committee, I have investigated many penitentiaries in the United States of America, every Federal prison, all 18 of them, and also the work farms. It is a very simple procedure. You get up about 3 o'clock in the morning and you go over to the penitentiary and investigate the food. You have a card of admittance and they can't keep you out, because you are either the chairman or a member of this committee. We investigate to see whether there's been any discrimination—any racial discrimination. We investigate to find out whether there has been an excess of solitary confinement. We make a thorough investigation to ascertain just exactly how that penitentiary is run. And you know, my friends, upon my tombstone, if I have nothing else, I hope there will be something on there that will say that since the organization of that committee there has not been a single riot in all the 11 years in any Federal penitentiary, not one. Certainly we people here in America can run those prisons in a humane manner and not run them the way Atlanta prison was run shortly before this committee was created. All the riots that they have had in various States (men have been killed, guards have been killed, guards have been held as hostages, and millions of dollars worth of property has been burned) have been due to the fact

that the prisoners were not treated in a humane manner, with sufficient food and with all that goes with being confined in a penitentiary.

#### ALCATRAZ WORST PRISON

Yet I can tell you this—of all the prisons in the United States, the worst hellhole of all is Alcatraz. I have been there time and again. I have made report after report asking that that prison be closed up. It was established by Spain during the period of the Spanish Inquisition over 400 years ago. There it is today, 12 acres, not enough land out there to give exercise to the prisoners. Former Attorney General Frank Murphy made an investigation of Alcatraz and he recommended that it be closed. I've taken this matter up as a United States Senator time and time again, and I'm happy to inform you tonight that at last Jim Bennett, Director of Prisons of the United States Government, is also recommending that Alcatraz be closed, closed forever in the United States of America.

Being attorney general of a State is a replica of being Attorney General of the United States. The United States Attorney General only operates on a larger scale than does the attorney general of the State. I have always maintained that it's the duty of the attorney general of the State to be just as much interested in seeing that no innocent man is sent to a penitentiary, as it is to see a guilty man sent there. As chairman of the Judiciary Committee of the United States Senate that was my object. It's hard to describe to you here tonight the terrific power, the almost unbelievable power, that is in the hands of the Attorney General of the United States of America. The entire Department of Justice is in his hands, the FBI, J. Edgar Hoover's department, 10,000 young men and some women who are working for them. You can readily understand that when a prosecutor goes in convinced that a man is guilty, what small chance that man has. I think it is just as much the duty of the FBI and the Attorney General to dig up the other side of the question.

So it was when Mrs. Sobell came to me in Washington in 1954 I said to Mrs. Sobell, "I am satisfied that the Attorney General of the United States, when the Judiciary Committee asks him to intercede, will see

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that you get a fair deal." Now the Sobell case is going to be up in the Court of Appeals. I want you to know that just as soon as that is disposed of, and also in the meantime, we will do what we can down there in that Senate. Believe me, that body of Senators is an honest group of men who want to do what's right. When you know those men, when you know them as I know them, you're proud of them. Now some of the men may not agree with some of your views on some matters. A Senator may be in favor of the railroads, but he's elected by the people and if the people weren't interested enough to elect somebody who had opposite views, certainly that Senator has a right to make his views known to the country. We have down there the conservatives, and the so-called liberals, and I want to tell you tonight there's no distinction either side of the aisle between Democrats and Republicans, because we have liberals and conservatives on the Democratic side and liberals and conservatives on the Republican side. Happy to say that down there some of my most liberal friends and some of the best men on that Judiciary Committee, some of the men who are just as much interested in Morton Sobell as I am myself, would gladly put their hands to the plow, to help out to see that he gets the justice to which he is entitled.

#### PRE-TRIAL PUBLICITY

May I say, however, that there's one thing that I've discovered down there in Washington that I don't like—and it isn't only down there but I found that in State after State after State. You find a prosecutor who wants to make a record, a prosecutor who will get hold of the press and get them to write up stories, just like they did in the Sobell case, month after month after month after month, and poison the feelings of the people in that community before the man ever comes to trial at all, stories that aren't true, stories that mention people who never are called to testify when the trial itself takes place. They create a prejudiced atmosphere—my friend Waldo Frank referred to the atmosphere in the courtroom. In spite of the fact that a juror may be honest and say that he isn't prejudiced in that par-

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ticular lawsuit, nevertheless, subconsciously, there in the back of his head he's read these stories and he's heard this stuff over the radio. You can't tell me that it hasn't made an impression. I believe if we're going to have the kind of justice we're so proud of in the United States of America, the kind of justice we should have, and the kind of justice that I believe every member of the Senate Judiciary Committee wants, somehow or other we've got to do something when a poor man, or a rich man either for that matter, when any man is charged with a crime, so that the newspapers don't blazen a lot of stuff that isn't true about that man or about that woman, and prejudice the community.

#### ATTORNEY GENERAL'S RESPONSIBILITY

I want you folks to know that the Judiciary Committee has this very much at heart—this matter of convicting an innocent person before he's proven guilty, in the minds of the public, so that when you finally get a jury, they're unconsciously prejudiced, with the result that instead of having a fair trial like our Constitution says every man or woman should have, that man or woman doesn't get it. And I think that down there in Washington too we need legislation—I don't mean a new law, but I mean an interpretation which will say to the Attorney General of the United States: We believe it is just as much your duty to see to it that an innocent man is not sent to the penitentiary as it is to send a guilty man there—just as much your duty to use all the services of the F. B. I., all the services of all these other men that you've got, to see that all the evidence is brought out, to see that no evidence is suppressed and that the jury may have all the facts. And so tonight, ladies and gentlemen, I can't tell you how delighted I've been to have been invited here. I want you to come forward, Mrs. Sobell. [Motions to Mrs. Sobell to stand at his side.]

My friends, I want you to know that I've got four daughters just about the same age as this young lady standing here beside me tonight, and I pledge you that everything I can do as a member of the Judiciary Committee of the United States Senate will be done to see that her husband gets justice.

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# Committee To Secure Justice For Morton Sobell

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November, 1956

Dear Friend:

To meet the many requests for information concerning the latest developments in the case of Morton Sobell, we have published the enclosed newspaper. We intend to distribute some 500,000 copies throughout the country in the coming weeks.

Thanks to the sustained efforts of people who want to see justice done, Morton Sobell's case is before the courts and before the bar of public opinion. New evidence is before the Appeals Court. Editorials are being written. Letters to the editor are appearing in newspapers. The facts are being circulated. The case is being discussed by individuals and organizations.

We call upon you at this urgent moment to provide the necessary financial assistance. Please contribute as generously as you can for Morton Sobell's legal and public appeals.

Sincerely yours,

Emily Alman  
FOR THE COMMITTEE

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THURSDAY, JULY 19, 1956



## MUSINGS

By THE EDITOR

When the Kremlin began to dethrone the dead Stalin as the kindly "father" of modern Russia, surely it was a bitter pill for the dictator's worshippers to have to swallow.

The communists were having to admit error—to a gigantic lie that would rock the world with the realization that communism, for several decades, had been doubly hoodwinking a believing people, had knowingly allowed horror to be masked behind a benign smile.

For reasons not entirely fathomable, the heirs of Stalin's throne decided to make a clean breast of it. It's unlikely that they did so to

try to cleanse the soul of communism, for it has no soul. It's more likely that they did so on a gamble of a gain in the cold war, even risking the derision and scorn of those they would woo to their side.

Were there such a guilt as this in the United States were it possible for some such great error as Stalinism to get its evil hold upon this nation—I feel confident that the United States would purge itself of the error. I feel this with abiding faith, for I know that Democracy does have a soul.

And I believe that this nation is founded on the principles of Democracy.

With this in mind, I cannot unquestionably accept the verdict of Judge Irving R. Kaufman of the Southern District Court of New York on the appeal of Morton Sobell from the confines of Alcatraz for a new trial on his conviction as an atom spy.

True, most news accounts of the Sobell appeal brushed the matter off as completely communist-inspired, just as were the appeals for clemency of Julius and Ethel Rosenberg brushed off.

The Rosenbergs, you will remember, were executed at Sing Sing as they proclaimed their innocence as atom spies. Their execution was protested throughout the world, from Pope Pius to suspected communist sympathizers.

Morton Sobell was sentenced to 30 years in prison as one of the Rosenberg "spy ring." He claims he is innocent. A big, thick book entitled "The Judgement of Julius and Ethel Rosenberg" claims he is innocent.

I do not know where truth lies—whether in the action of Judge Kaufman in brushing off the Sobell appeal, or whether within the pages of this book. I know that Judge Kaufman—who presided, incidentally, at the original trial, professes

belief in what he terms Americanism—the Americanism of truth, honesty and justice. He said recently, "Since, like our communist opponents, we do not rewrite history or suppress news of the mistakes we make..." And he quotes J. Edgar Hoover's statement as a guide for Americans: "We can successfully defeat the communist attempt to capture the United States by fighting it with truth and justice..."

If this is truly the philosophy of Judge Kaufman, then I believe he should have granted Morton Sobell a new trial, for then he could have settled once and for all the question of whether or not the United States has made a grievous mistake.

I do not say that this government has made such a mistake concerning Morton Sobell—and, if his were such, then a still more horrible one concerning the Rosenbergs.

I only know that John Wexley's "The Judgement of Julius and Ethel Rosenberg"—fully documented, presumably completely authentic—raises a tremendous question. Its reading caused me sleepless nights, and stirred an uncomfortable doubt.

I scanned the newspapers after reading it to see what the government was going to say about the charges it made—for I felt they were charges, with documentation, that could not be treated merely with silence. I saw no denials from Mr. Hoover, the Justice department, the prosecutors in the case—including one Roy Cohn, the attorney who later became a pet of Joseph McCarthy and thoroughly discredited for his dishonesty in trying to secure Army favors for his partner, David Schine, and for faking photographs to embarrass Army brass.

I saw no denials, but I began to see reviews of the book—reviews from papers throughout the nation and in Canada. One was written by an old friend, Margot Jackson, book critic for the Akron Beacon Journal. She, too, was wondering where the denials were. The other critics were asking, asking—demanding.

Jurists, university professors, thoughtful people everywhere began asking for more truth about the Sobell case.

The only thing that happened was that a congressional committee suddenly, and for no reason whatever, paraded two others convicted in the Rosenberg-Sobell trials before them, and they made dramatic, but pat, statements about what a horrible thing they had done in spying on their country. Having read of these two people—one a convicted perjurer—in the Wexley book, their statements before the committee—statements brought forth with no connection whatsoever to any investigation today—left me cold.

The committee, however, did not summon Morton Sobell before it, as they should have done if they were completely honest.

What is Sobell's contention of innocence? John Wexley's book, in what seems to be a painstaking probe of the whole matter, contends that the major crime of Morton Sobell was that he lost faith for a time in his government. He admits that he went to Mexico to get away from what he felt was an atmosphere growing too much like Nazi Germany's, but he did not "flee" to Mexico. He went under his own name, with a passport, and with his family, on an announced vacation.

Wexley's account of his "kidnaping" in Mexico makes hair-raising reading. And his documentation of that alleged forced return—so he could be presented at the trial as a "fleeing" spy—gives a lover of truth moments of discomfort that had even physical repercussions.

Lack of proof of Sobell's link with the Rosenbergs, together with Wexley's account of the kind of evidence used against them, is soul-disturbing.

As I say, I do not know where truth lies. But I cannot brush the whole matter off as the very biased news stories on it brushed it off. And I am not alone in this feeling of discomfort—the New York Times has been filled with letters from such as Bertrand Russell in England, thoughtful people in France, from others around the nation which all raise that big question:

"Did the United States make a grievous mistake?"

The way to make certain is for the appeal of Sobell in a higher court to be granted, for a Democracy cannot live with possible guilt on its soul concerning any individual.

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The Committee to Secure Justice for Morton Sobell  
940 Broadway, N. Y. C. AL 4-9983

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ST. LOUIS, FRIDAY, JULY 13, 1956

Between Book Ends

Shaky Evidence

WAS JUSTICE DONE? by Morton S. Sharp (Monthly Review Press, 118 pp., \$2.50)

This book is an analysis of the complicated record of the Rosenberg case. The author is a law professor at the University of Chicago, and is also president of the National Lawyers Guild. He participated, as an attorney, in the final stages of the case, but by that time, he says, a study of the record had convinced him that the conviction was based, at the very least, on shaky grounds.

Prof. Sharp's main point is that the conviction of the Rosenbergs was caused by the testimony of uncorroborated witnesses. These witnesses were the Rosenbergs' alleged accomplices, who, according to Mr. Sharp, presumably escaped prosecution or got off with comparatively light sentences in return for implicating them.

The chief supporting evidence was a certain hollowed-out table which the Rosenbergs were supposed to have used for secret work during a period of their trial, beyond a question, and the author concludes that the discovery of a hollow table which the Rosenbergs claimed was a secret of the government's witnesses.



Harold Urey

For some time, the book will stir the thinking about the validity of our system of criminal

justice. The adversary method requires great fairness and restraint, but sometimes a prosecutor will press his advantage to the obtuseness of the jury. Mr. Sharp implies that prosecutors Irving Saypol and Roy Cohn did so in this case. For others the execution of the Rosenbergs raises, anew, questions about the common sense of capital punishment.

A later, colder, or even cool study of the record, raises doubts unfelt by the jury at the time trial, this can be no help now to people already executed. The record raised doubts, as a matter of fact, in respectable quarters. The Rosenbergs pleaded, ineffectually, for clemency.

Now for Mr. Sharp's book a foreword has been written by Harold Urey, an eminent nuclear scientist. Dr. Urey vigorously protests his firm belief that both the Rosenbergs and their alleged accomplices who are now in prison, Morton Sobell, were victims of injustice. However, the possible validity of this belief could not safely be assessed by any reader, including the present reviewer, without first undertaking the long and dreary task of examining thousands of pages of the record, as well as alleged new evidence produced since the trial. Mr. Sharp performed this task, but inevitably he writes as an advocate rather than as a wholly impartial analyst.

THOMAS H. ELIOT.

reprinted in full by The Committee to Secure Justice for Morton Sobell 940 Broadway, N. Y. C. AL 4-9983



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# THE CAPITAL TIMES

MADISON, WIS., Thursday, June 28, 1956

## Minority Report

Rosenberg Case Book  
John Wexley Author  
An Exhaustive Work

By AUGUST DERLETH

**THE GUILT AND THE GUILTY:**—In retrospect, the case of the Rosenbergs and Morton Sobell raises some provocative and disturbing questions. John Wexley, who is admittedly partisan on the side of the defense, has written an exhaustive book of some 72 pages about the case under the title of **THE JUDGMENT OF JULIUS AND ETHEL ROSENBERG** (Cameron & Kahn, \$6), a book which, despite its obvious bias, makes it manifest that the American public did not have at any time an adequate statement of all the facts pertinent to the case—not alone because many of those facts never reached the press by design, not alone because the evidence on which conviction was obtained was questionable to say the very least, but also because the defense of the Rosenbergs and Sobell was far too involved in Communist propaganda to do its best for the defendants.

The Rosenbergs dead were of far more use to the Communists than the Rosenbergs alive, and the government was too involved in its witch hunt to be as impartial as justice demands.

Mr. Wexley reconstructs all the events preceding the trial. He gives full sketches of the principals and the witnesses, including that self-confessed liar, and ex-Communist, Harry Gold. He details the trial.

It is possible, finally, to throw out all Mr. Wexley's inferences, theories, and conclusions, and you are still left with the uneasy feeling, expressed by atomic scientist Harold Urey, that the conviction "failed to meet the standards of American justice." Moreover, it seems clear that Morton Sobell, sentenced to 30 years in prison, ought to have a retrial, one in which the testimony against him ought to be examined with the greatest precision.



One of the puzzles of our time is the willingness of the federal government to accept as bona fide the testimony of confessed liars, who have professed themselves reformed Communists, even over that of honest men and women who have never fallen for the Communist line. That is only one of the puzzling aspects of the Rosenberg - Sobell

case, for the evidence given by Gold and Elitcher, for instance, is incredible on the face of it, and assumes an ever worse aspect in the light of the past of these two witnesses.

In the white heat of cold-war years' prejudice, it was impossible to look upon the case dispassionately. Time, however, has a way of setting all things

into perspective, and it will undoubtedly put the Rosenberg-Sobell case into a different light as the years go by. **THE JUDGMENT OF JULIUS AND ETHEL ROSENBERG** is not likely to alter the prevailing opinion on the case, arrived at in the heat of the witch-hunt and by means of only a partial picture, but it is a beginning on the road toward a final reassessment of the popular verdict, and an ultimate re-judgment which is likely to be different from the national verdict of the year of the trial.

One phase of the reassessment ought not to be delayed any longer. Sobell deserves another trial and a new investigation. An increasingly impressive number of leaders in various fields, from Sir Bertrand Russell to Scientist Urey, have already raised their voices in Sobell's behalf. It is not alone the question of the degree of Sobell's

guilt — or, for that matter, of the Rosenbergs' — that is of primary concern, but the interests of American fair play. Meanwhile, I venture to suggest that anyone who reads Mr. Wexley's book with an open mind, bearing before him always the author's obvious prejudice for the defendants and discounting proportionately, is likely to come away from these pages disagreeably disturbed.

reprinted as a public service by  
The Committee to Secure Justice for Morton Sobell  
940 Broadway, N. Y. C. AL 4-9983

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# Committee To Secure Justice For Morton Sobell

940 BROADWAY (Entrance on 22nd Street) NEW YORK 10, N. Y.

ALgonquin 4-9983

November, 1956

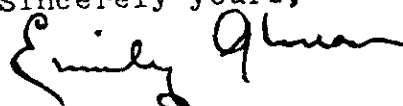
Dear Friend:

To meet the many requests for information concerning the latest developments in the case of Morton Sobell, we have published the enclosed newspaper. We intend to distribute some 500,000 copies throughout the country in the coming weeks.

Thanks to the sustained efforts of people who want to see justice done, Morton Sobell's case is before the courts and before the bar of public opinion. New evidence is before the Appeals Court. Editorials are being written. Letters to the editor are appearing in newspapers. The facts are being circulated. The case is being discussed by individuals and organizations.

We call upon you at this urgent moment to provide the necessary financial assistance. Please contribute as generously as you can for Morton Sobell's legal and public appeals.

Sincerely yours,



Emily Alman  
FOR THE COMMITTEE

-----  
Committee to Secure Justice  
for Morton Sobell  
940 Broadway, New York City

I am contributing \$ \_\_\_\_\_ for Morton Sobell's  
legal and public appeals.

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_

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Appeal to the President

President Dwight D. Eisenhower  
The White House  
Washington, D. C.

Dear Mr. President:

It is because we share your deep concern for the spiritual health of our nation and for the principles of justice upon which it is founded that we address ourselves to you concerning the case of Morton Sobell.

Morton Sobell, now in his sixth year of imprisonment and confined in Alcatraz, is seeking a new trial to reverse his 30-year sentence on a charge of "conspiracy to commit espionage." Both he and his defenders maintain that he is innocent. Moreover, the trial record shows that the judge in passing sentence stated: "The evidence in the case did not point to any activity on your (Morton Sobell's) part in connection with the atomic bomb project."

We do not press upon you, Mr. President, the question of Morton Sobell's innocence or guilt--for we ourselves are not of one mind on that issue. Our faith in our democratic system of justice assures us that the truth will ultimately be established.

We believe it is vital that our nation safeguard its security, but it is important that we do not permit this concern to lead us astray from our traditions of justice and humanity. In this light, we further believe that Morton Sobell's continued imprisonment does not serve our nation's interest or security.

Therefore, most respectfully and earnestly, Mr. President, we look to you to exercise your executive authority either by asking the Attorney General to consent to a new trial for Morton Sobell or by the granting of Executive Pardon or Commutation. We take the liberty of urging your personal attention to this matter.

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_

My signature may be made public along with other signers of the Appeal.

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ADDITIONAL SIGNERS WHO JOINED THE APPEAL TO THE PRESIDENT  
WITHIN THE LAST FEW DAYS

Rabbi Zvi Anderman of New York  
Emily G. Balch, Nobel Prize Winner of Wellesley, Mass.  
Rabbi Ben Zion Bergman of the Burbank Jewish Community Center  
in Burbank, Calif.  
Rabbi Samuel Bernstein of New York  
Rev. Henry Hitt Crane of the Central Methodist Church in Detroit  
Prof. Thomas I. Emerson of Yale Law School in New Haven, Conn.  
Rabbi Benjamin Englander, Cong. B'nai Israel, Irvington, N.J.  
Rabbi Seymour Freedman of Buffalo, N.Y.  
Mary H. Gleason, Hull House, Chicago, Ill.  
Rabbi Daniel Goldberg of New York  
Rabbi Jacob Goldberg of New York  
Rabbi Sidney Greenberg, Temple Sinai, Philadelphia, Pa.  
Rabbi Louis D. Gross of New York  
Judge Norval K. Harris of Sullivan, Ind.  
Dr. Eustace Haydon, Prof. Emeritus of University of Chicago, Chicago  
Rev. J. Kenneth Pfohl of Winston-Salem, N.C.  
William Appleman Williams, historian, Eugene, Oregon  
Prof. H.H. Wilson of Princeton University, Princeton, N.J.

following persons are among those who have signed the Appeal to President.

e: Affiliations are for identification only.

- . David Andrews, Greensboro, N. C.
- . Roland H. Bainton, Yale Divinity School, New Haven, Conn.
- . William Baird, Essex Community Church, Chicago, Ill.
- . Harold J. Bass, The Church for Today, Tacoma, Wash.
- . Reginald H. Bass, Community Church, Brooklyn, N.Y.
- . Ben Marston Beardsley, Los Angeles, Calif.
- . Leo Bigelman, Los Angeles, Calif.
- . Jessie F. Binford, Hull House, Chicago, Ill.
- . David Blackwell, University of California, Berkeley, Calif.
- . Derk Bodde, University of Pennsylvania, Philadelphia, Pa.
- . Murray Branch, Moorehouse College, Atlanta, Ga.
- . Bert L. Brook, Attorney, Los Angeles, Calif.
- . Anton J. Carlson, University of Chicago, Chicago, Ill.
- . Abi Franklin Cohn, Los Angeles, Calif.
- . Ephraim Cross, City College, New York, N.Y.
- . Boris Cunningham, University of California, Berkeley, Calif.
- . Mer Davis, Commentator, Washington, D.C.
- . Frank C. Davis, Psychologist, Beverly Hills, Calif.
- . Dorothy Day, Editor Catholic Worker, New York, N.Y.
- . Abi Julian B. Feibelman, Temple Sinai, New Orleans, La.
- . M. Field, Guilford College, N.C.
- . Frank F. Finerty, Attorney in the Sacco-Vanzetti and Mooney-Billings cases, New York, N. Y.
- . Aldo Frank, Author, Truro, Mass.
- . Allan Frankel, Attorney, Los Angeles, Calif.
- . G. Shubert Frye, Synod of New York, Syracuse, N.Y.
- . Lowell Geismar, Literary Critic, Harrison, N.Y.
- . Erwin R. Goodenough, Yale University, New Haven, Conn.
- . Abi Harry Halpern, East Midwood Jewish Center, Brooklyn, N.Y.
- . William Harrison, Publisher and Editor Boston Chronicle, Boston, Mass.
- . John Paul Jones, Union Presbyterian Church of Bay Ridge, Bklyn, N.Y.
- . Isaac Kolthoff, University of Minnesota, Minneapolis, Minn.
- . M. Kuehne, Prof. Emeritus, University of Texas, Austin, Texas
- . John Howland Lathrop, Unitarian Church, Brooklyn, N.Y.
- . Norman Lavet, North Hollywood, Calif.
- . Paul L. Lehmann, Director of Graduate Studies, Princeton Theological Seminary, Princeton, N.J.
- . Abi Eugene J. Lipman, New York, N.Y.
- . Milton Z. London, Los Angeles, Calif.
- . Bernard M. Loomer, Divinity School of the University of Chicago, Chicago, Ill.
- . Daniel Marshall, Attorney, Los Angeles, Calif.
- . Archie Matson, Broadway Methodist Church, Glendale, Calif.
- . Leo Mayer, New York, N.Y.
- . Wis McCabe, Attorney, Philadelphia, Pa.
- . Sidney G. Menk, University Heights Presbyterian Church, New York, NY
- . Abi Uri Miller, Baltimore, Md.
- . Wis Mumford, Author, Amenia, N.Y.
- . Gardner Murphy, Menninger Foundation, Topeka, Kansas
- . Scott Nearing, Camp Rosier, Maine
- . George Patrick H. O'Brien, Detroit, Mich.
- . Victor Pashkis, Columbia University, New York, N.Y.
- . Linus Pauling, Nobel Prize Scientist, Pasadena, Calif.
- . Alexander E. Pennes, Los Angeles, Calif.
- . Harold W. Petherbridge, Attorney, El Centre, Calif.
- . Dreyden L. Phelps, Fellowship Church, Berkeley, Calif.
- . Irving E. Putnam, Methodist Church, Minneapolis, Minn.
- . Abi Emanuel Rackman, Congregation Shaarey Tefila, New York, N.Y.
- . Anatol Rappaport, University of Michigan, Ann Arbor, Mich.
- . Oscar K. Rice, University of North Carolina, Chapel Hill, N.C.
- . Abi David S. Shapiro, Congregation Anshe Sfard, Milwaukee, Wis.
- . Malcolm Sharp, University of Chicago Law School, Chicago, Ill.
- . Margaret T. Simkin, Los Angeles, Calif.
- . George Edward P. Totten, Santa Ana, Calif.
- . Harold C. Urey, Scientist and Nobel Prize Winner, Chicago, Ill.
- . Abi Jacob J. Weinstein, KAM Temple, Chicago, Ill.
- . Frank Weymouth, Los Angeles, Calif.
- . Francis D. Wormuth, University of Utah, Salt Lake City, Utah.

Mrs. Morton Sobell      30 Charlton Street      New York 14, N.Y.

January, 1957

Dear Friend:

As the wife of Morton Sobell and on behalf of his mother too I ask that you take a few minutes of your time to look at my husband's case. His conviction upon the testimony of one tainted witness and his sentence of 30 years imprisonment have caused great concern and uneasiness.

In the past few months a number of eminent Americans have signed the enclosed appeal for a new trial or freedom for my husband. I hope that after you have looked at the facts, you will want to join with Elmer Davis, Dr. Harold C. Urey, Lewis Mumford, Rabbis Uri Miller of Baltimore, Jacob J. Weinstein of Chicago, Emanuel Rackman, Eugene J. Lipman and Harry Halpern of New York, Rev. John Paul Jones of New York, Dr. Roland H. Bainton of Yale Divinity School, Dr. Paul L. Lehmann of Princeton Theological Seminary, Judge Patrick H. O'Brien, and many other persons of prominence.

Throughout history the Jewish people and their spokesmen have always championed the cause of truth and justice not only for their own, but for all people. They have never closed their eyes or hearts or minds to the sufferings of their brothers.

Recently I visited my husband in Alcatraz. It is encouraging to be able to tell you that these years of suffering have not broken his spirit, that he still holds fast to his faith in American justice. We are given strength by the knowledge that so many believe in us and are helping us in this ordeal.

I know my husband to be innocent, and have confidence that the truth will be proved. However, the years pass by. This is the seventh year of my husband's imprisonment. Your voice added to these others can save some of the years of our youth for us.

On Washington's birthday Senator William Langer will address a gathering in Los Angeles on behalf of my husband. I will release at that time the names of all who are permitting their signatures to be made public. Please help me if you possibly can.

Very sincerely yours,

*Helen Sobell*  
(Mrs. Morton Sobell)

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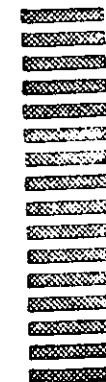
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**ROOM D**

**940 BROADWAY**

**NEW YORK 10, N. Y.**





National Committee to Secure Justice for Morton Sobell  
350 Sixth Ave., New York 18, N.Y. LO 2-9563

September 22, 1955.

Dear Friend:

John Wexley's "The Judgment of Julius and Ethel Rosenberg" is an historical document which not only completely demolishes the case against the Rosenbergs and Morton Sobell, but remains a classical exposition of the anatomy of frameup for all time. It is a book which should and must be in the hands and minds of thousands of Americans.

Already, this book, placed in evidence, freed a defendant in Dayton, Ohio, who had been indicted for perjury by a Federal Grand Jury, as a result of the perjured testimony of Harry Gold, a witness against the Rosenbergs and Sobell. After the questioning of Gold from the facts in Wexley's book, the Federal jury considered Gold's testimony as incredible and rejected it.

We urge you to buy the book and buy others to place in the hands of influential citizens whose knowledge of the facts can be helpful in restoring Morton Sobell to his rightful place in society.

We ask you to participate with us in our Assembly for Justice at Carnegie Hall, September 29th, 1955 at 8 . . . . This gathering represents the national issue which the Sobell case is. Among the speakers are United States Senator William Langer; the outstanding novelist and essayist Waldo Frank; John F. Finerty, the legal defender of Sacco and Vanzetti and Tom McConey, and a member of the board of the American Civil Liberties Union; and Warren W. Billings, the co-defendant with Tom McConey, later pardoned by Governor Olson of California.

Tickets are available at 1.25. We hope to see you there.

Thank you for your help and cooperation.

Sincerely,

*Aaron Schneider*

Aaron Schneider  
FOR THE COMMITTEE

## An Innocent Man Is In Alcatraz

Morton Sobell, an American scientist, is in Alcatraz, in his sixth year of imprisonment. The charge was "conspiracy to commit espionage." Morton Sobell has maintained his absolute innocence from the day of his arrest, as did his co-defendants, Ethel and Julius Rosenberg.

Dr. Harold C. Urey, atomic scientist and Nobel Prize winner, stated, "Sobell's sentence of thirty years at Alcatraz is completely out of line with any evidence of wrong-doing which the government is believed to present. In fact, I do not know what he did do."

The trial of Morton Sobell was staged in a fear-ridden atmosphere in which the rights of the defendants was taken for granted from the moment they were arrested. The nightmare of fear and suspicion which was part of the hysteria of past years is now lifting as a result of the Geneva conferences. America can be free and at peace so long as American justice is in doubt. All Americans wish for a better America must do they can to right this great wrong to Morton Sobell.

# ASSEMBLY for JUSTICE For Morton Sobell

CARNEGIE HALL  
September 29th, 1955

at 8 p. m.

Among the speakers are:

**WILLIAM LANGER**

United States Senator

**WALDO FRANK**

Novelist and Essayist

**JOHN F. FINERTY**

Eminent Attorney

Defender of Sacco and Vanzetti

**WARREN K. BILLINGS**

Co-Defendant in Mooney Case

Tickets at \$1.25 may be obtained  
at the box office or at

New York Committee for Justice for Morton Sobell  
1050 Sixth Avenue • New York 18, N. Y.

Longacre 4-9585

# The Nation

27, 1955

## An American Tragedy

JUDGMENT OF JULIUS  
 ETHEL ROSENBERG. By  
 Wesley C. Meron and Kahn.

by Carey McWilliams

AS the essential tragedy of the Rosenberg-Sobell case that the American public never received a clear and simple statement of the facts, of the way in which the case and the strange sequence of that took place before the courts, this was not exclusively the fault of the press nor can it be explained in terms of mass hysteria. The defense left a great deal to be desired. Then, too, some of the details did not come to light until long after the factual pattern, however, was inherently complex; not only then, it is not easy to get a clear view of the case. Mr. Wesley, in this mammoth (672 pages) has tackled the problem in the right way, namely, by giving the reader a skillfully narrated account of the events during the trial. In his view, the case is an "empty ritual," the nub of which is untold. Part I, there is devoted to lengthy accounts of the principal participants: Harry Gold, the Greenglasses, the Rosenbergs, Morton Sobell, Max Elitcher; chapters make it much easier for the reader to understand what happened at the trial. As a further aid to understanding, Wesley has an introductory chapter in which he explains — and most cogently — why, it is that tragedies like the Rosenberg-Sobell case are compounded of many elements: tentative and reluctant half-confessions and tentative circumstantial evidence; half-truths and truths; elaboration and emery; innuendoes, insinuations, and indos; carefully dropped hints and suggestions; "piling it on" or "whittling" or adding glosses to "soy"; professed and exhausted, suggestions of "motive" and "intent"; and, finally, actual collusion. It is Wesley's careful analysis of the complex pre-trial factual situation and of the trial itself, in the light of this theory, that enables him to provide the reader with a clear and dispassionate account of the case, and the reader somewhat exasperated. I must admit — puts the case down with the feeling that he has been exposed to the facts and instances of a grim and complex human tragedy.

MR. WESLEY makes no pretense of being neutral or dispassionate. But one does not need to accept as valid all the inferences, theories, and conclusions which he urges in order to be convinced, in the end, that the conviction of the Rosenbergs and Sobell, in Harold Urey's phrase, failed to meet the standards of American justice. There are large recurrent doubts about aspects of the case which grow more disturbing with the passage of time and Mr. Wesley's shrewd reading of the testimony reawakens and confirms many of these doubts. I have not been able to check the author's references to the record against the actual transcript; it would take an entire summer to make the comparison. Two key phases of the testimony, however, suggest the nature of his analysis.

Consider, for example, the strange case of the self-confessed spy, Harry Gold. In the trial of a man named Brothman, who was convicted of conspiring to obstruct justice shortly prior to the Rosenberg trial, Gold was on the stand for nearly five days. Not only did he freely confess that he had lied but it was clearly established that he had fabricated a mythical or fantasy existence for himself which had no relation to reality. "I had become so tangled up in this web of lies," he said, "that it was easier to continue telling an occasional one than to try and straighten the whole hideous mess out . . . . It is a wonder that steam didn't come out of my ears at times. Yet, strange as it may seem, I still was not cross-examined in the Rosenberg-Sobell case and the jury never learned of the pattern of pathological lying to which he had confessed, as a witness, in the Brothman case. Even stranger is the fact that the judge who presided at the Rosenberg trial and the prosecutor who conducted it had occupied the same roles in the Brothman trial and were familiar with Gold's testimony in that case. Incidentally there was about this Brothman case and everything connected with it a strange air of unreality. For example, it is doubtful if a crime was actually committed; Brothman's conviction would appear to have been based on a series of delusions which Gold skillfully projected and artfully maintained. Even more interesting is the circumstance that the judge who sentenced Gold, in the case based on his voluntary confession of espionage, had obvious misgivings about the confession. Mr. Wesley's account of what happened in court when

Judge James P. McGowan, who later became Attorney General, passed sentence on Gold (pp. 72-77), makes interesting reading.

Even more convincing than his analysis of Gold's testimony is Mr. Wesley's account of the testimony of Max Elitcher. It will be recalled that the direct evidence against Morton Sobell derived solely from the testimony of Elitcher. Apart from the fact that Elitcher was "on the hook," for having previously falsified an affidavit, his testimony is inherently incredible. Elitcher, we are told, was a member of a group of conspirators, engaged in espionage. But a more futile conspiracy it would be difficult to imagine. The conspirators may have conspired but what they did in furtherance of the conspiracy is not clear. Four years elapsed from Elitcher's initial recruitment and still nothing happened. No documents were stolen or photographed, no files were rifled, no plans were pilfered. Moreover, we are asked to believe that Elitcher was induced to enter this dangerous conspiracy after only five or six minutes' conversation with a man that he had not seen for six years.

THE testimony of both Gold and Elitcher is vital to the structure of the story upon which the guilt of the Rosenbergs and Sobell depends. But the more one ponders their testimony, the more one is impressed by Mr. Wesley's statement that the trial was a political prosecution, staged in a fear-ridden atmosphere in which the guilt of the defendants was taken for granted from the moment they were arrested.

In a recently published study, Nicholas Halasz points out that the Dreyfus case was "a nightmare dreamed during a nightmare." The

Rosenberg-Sobell case has the same quality.

There is little reason to believe that this book, which is not likely to be widely reviewed although it should be, will produce any immediate change in American opinion on the case; the national verdict remains the same. But the popular verdict of the future may not be the same as the popular verdict of the cold-war years. Recognition that the handling of the Rosenberg-Sobell case, from its inception to the unseemingly haste with which the final motions were disposed of, did not measure up to the standards of American justice will come slowly, painfully, one phase at a time, as the nightmare of fear and suspicion out of which it emerged is finally dispelled. "The sense of right," India's philosopher statesman, R. Rajagopalachari has written, "is the most prominent thing that marks America's history."

ISSUED AS A PUBLIC SERVICE  
 BY

# Press Release

FOR RELEASE 12:30 P.M., May 8

**COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL**

940 Broadway, New York 10, N. Y.

AL 4-9983

From the desk of: Ted Jacobs

## PROSECUTION CHARGED WITH KNOWING USE OF PERJURY IN LEGAL MOTION ASKING RELEASE OF MORTON SOBELL

Motion Cites Proof Prosecution Abducted Sobell  
In Violation of U.S., Mexican, and International Law,  
Giving False Impression of Sobell as Fugitive

NEW YORK, May 8--A legal motion asking <sup>that</sup> Morton Sobell be freed, or that a new trial be granted, was filed today in U.S. Federal Court on grounds that the prosecution "knowingly, willfully and intentionally" used false and perjurious testimony, made false representations to the court, and suppressed evidence that would have contradicted the prosecution.

Sobell, now imprisoned in Alcatraz, was convicted in the Rosenberg trial of "conspiracy to commit espionage" and condemned to 30 years. He asserts his innocence. The motion in his behalf was filed by the firm of Donner, Kinoy and Perlin, 342 Madison Avenue, New York City, and Benjamin Dreyfus, 57 Post Street, San Francisco. The petition charges that:

1. The prosecution deliberately planned and participated in the abduction of Sobell and his wife and children from Mexico City, thereby giving the erroneous impression of Sobell as a fugitive. Taking part in the abduction, the motion said, were secret police agents of Mexico City, agents of the F.B.I. and the U.S. Embassy in Mexico City. The Mexican government had no knowledge of this act, the motion said, and a protest was believed to have been registered by the Mexican Embassy in Washington. The motion said the prosecution was aware that the abduction and F.B.I. intervention in Mexico violated international law and treaties as well as the laws of the U.S. and Mexico. The kidnapping, the motion said, served to prevent Sobell from returning voluntarily to the United States and thereby falsely portrayed him as a fugitive.

2. The prosecution, knowing that Sobell had in fact been abducted, presented false testimony and evidence in the trial purporting

show that he had been deported from Mexico by the Mexican government. Attorneys for Sobell presented a photostatic copy of a certified statement from the Mexican Department of Immigration at Nuevo Laredo, Mexico, that Sobell was not deported as the prosecution had claimed.

3. The prosecution, further creating the impression of flight, made false representations to the court by saying that Sobell had gone to Mexico without a visa. Attorneys for Sobell submitted evidence that the records of the Department of Immigration of Mexico list the date of Sobell's lawful entry with his wife and children and list his visa number as 70538.

4. The prosecution used unlawful search and seizure as a means of suppressing evidence that would have helped Sobell establish his innocence. Among documents seized were Sobell's tourist card (visa) showing lawful entry, and his vaccination certificate obtained in preparation for his return to the United States. Sobell's attorneys submitted Sobell's receipt for custom declaration, airline ticket, birth certificate, driver's license, social security card and rent receipts under his name--all of which had been seized, depriving Sobell of the opportunity to show he was in Mexico and in open, normal and lawful manner. The motion said a number of these items (since returned) bore the notation "R.I.S., 8/18/50", indicating their delivery to F.B.I. Agent I. Shroder, who was present when Sobell was taken across the border.

The motion quoted court statements by prosecutors Irving Saypol and Roy Cohn that Sobell had been deported, and quoted a court ruling underscoring the importance of the alleged deportation in influencing the jury. Only one witness, a known perjurer, had accused Sobell of being part of the alleged conspiracy, and the claim of flight was needed to make his testimony believable and further serve as alleged proof of his membership in a conspiracy, the motion said.

At one point, Prosecutor Saypol, in answer to an affidavit which Sobell had submitted, told the court: "This very affidavit contains a falsehood in the statement that there was exhibited amongst other things to the Mexican authorities visas. Counsel ought to know that his client never went to Mexico with a visa...The whole affidavit portrays certainly that this defendant was not honorably escorted from Mexico but that literally he was kicked out as a deportee."

The prosecution introduced as evidence a card marked "deported from Mexico" and to support this contention produced as a witness James S. Huggins, U.S. immigration inspector at Laredo, Texas. The

on today charged that both the card and Huggins' testimony were false.

The motion stated that both Saypol and Cohn had been to Mexico on the Sobell case; a U.S. agent came to the building in which Sobell lived to inquire about him on the day of the abduction; Mexican secret police agents told the domestic worker at the Sobell apartment that they were acting under direction of U.S. authorities; some of the belongings seized from the Sobell apartment were taken to the U.S. Embassy, where interrogations concerning the case also took place; during the trip from Mexico City to the border the Mexican secret police made repeated telephone reports to the U.S. authorities; the immigration authorities on the U.S. side of the border were alerted to receive Sobell; F.B.I. agents John W. Lewis, Rex I. Shroder, and Leo H. Franklin had been dispatched to Laredo to receive Sobell, together with L. Taylor, the F.B.I. agent stationed in Laredo; and the F.B.I. obtained the assistance of a doctor, as well as a matron to attend the Sobell children, the doctor and matron being present when Sobell, severely beaten, was taken to the border at 3:45 a.m.

In summarizing the importance of the accusations, the motion stated: "The prosecution in the course of the trial introduced evidence to prove that petitioner (Sobell) was deported by the Government of Mexico. The testimony in support of this contention was perjurious; the documentary evidence tendered in support thereof was false. This evidence was essential to the prosecution's entire case against petitioner. The prosecution, knowing this evidence to be false and perjurious, willfully and intentionally used it to the prejudice of petitioner, thereby denying him his constitutional right to a fair trial."

The attorneys for Sobell asked that there be a hearing on the motion, and that Sobell be brought here from Alcatraz for the hearing.

# # #

COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL  
1050 Sixth Ave., New York 18, N.Y. LO 4-9585

PRESS RELEASE

FOR IMMEDIATE RELEASE

HELEN SOBELL WINS RIGHT TO SPEAK AT MINNESOTA U:

200 ATTEND AND 30 SIGN TELEGRAM TO BENNETT

Dean Gives in to Student Demands to hear Mrs. Sobell

MINNEAPOLIS--Helen Sobell, wife of imprisoned scientist Morton Sobell, spoke at the University of Minnesota on Friday (Dec. 3) after a campus controversy over whether or not the university would permit her to appear.

A crowd of 200 turned out to hear Mrs. Sobell tell the facts in her husband's case, and when the meeting was over, 30 persons in the audience signed a telegram requesting Prison Director James V. Bennett to transfer Morton Sobell from Alcatraz.

The story of Mrs. Sobell's visit was front page news for several days running in the Minnesota Daily, campus newspaper with the largest circulation of the nation's college dailies. The newspaper gave its editorial support to Mrs. Sobell's right to speak. The meeting at which she spoke was sponsored by the campus Socialist Club.

Before the meeting, Mrs. Sobell held a press conference which was attended by reporters from the city newspapers in Minneapolis, as well as college reporters.

Last Thursday the Senate Committee on Student Affairs recommended that Mrs. Sobell be allowed to speak. It was then up to Dean E. G. Williamson to give his approval. On Thursday the Dean said in a written statement:

"With some reluctance, I am approving the request of the Socialist Club to present Mrs. Helen Sobell as a speaker for their Friday meeting in line with yesterday's recommendation of the SCSA (Senate Committee). I am sorry I was unable to attend the meeting of the committee and explain that I continue to experience difficulty in seeing that this speaker's topic provides opportunity for our students to learn some new slants on some national issue.

"It seemed to me to be a personal cause that may have little educational value for us unless the speaker uses her opportunity to explain some alleged weakness in our system of justice or security, or something else of great significance to all of us at the University."

The editorial published in the Minnesota Daily read as follows:

"We don't like martyrs. We want no one to be made a hero because they weren't allowed to appear on campus. Therefore, we welcome Dean Williamson's decision, and the senate committee on student affairs recommendation that Mrs. Sobell be allowed to speak here tomorrow.

"We want no opportunities for anyone to say the University is infringing on the American traditions of free speech or assembly. The dean indicates he has doubts about the educational value of Mrs. Sobell's speech, that she is here speaking for a 'personal cause.' Yet her personal cause, as outlined to us in a memo circulated by the student activities bureau, is one concerning basic American rights; fair trial and penalty fitting the crime.

"Mrs. Sobell feels these rights were violated under the American judicial system. She has a right to be heard.

"Socialist club will be the loser if Mrs. Sobell's speech is merely a personal harangue. Responsible people have urged that she be allowed to speak here. The dean has passed on the club's request to sponsor her.

"She has been given the opportunity to be heard by University people. She and her sponsor now have the obligation to see that the talk is worthwhile."

Following her meeting in Minnesota, Mrs. Sobell left on a trip to San Francisco, where she will visit her husband in Alcatraz. Morton Sobell, who has steadfastly maintained his innocence of the conspiracy to commit espionage charge on which he was convicted in the Rosenberg trial, is now in his fifth year of prison.



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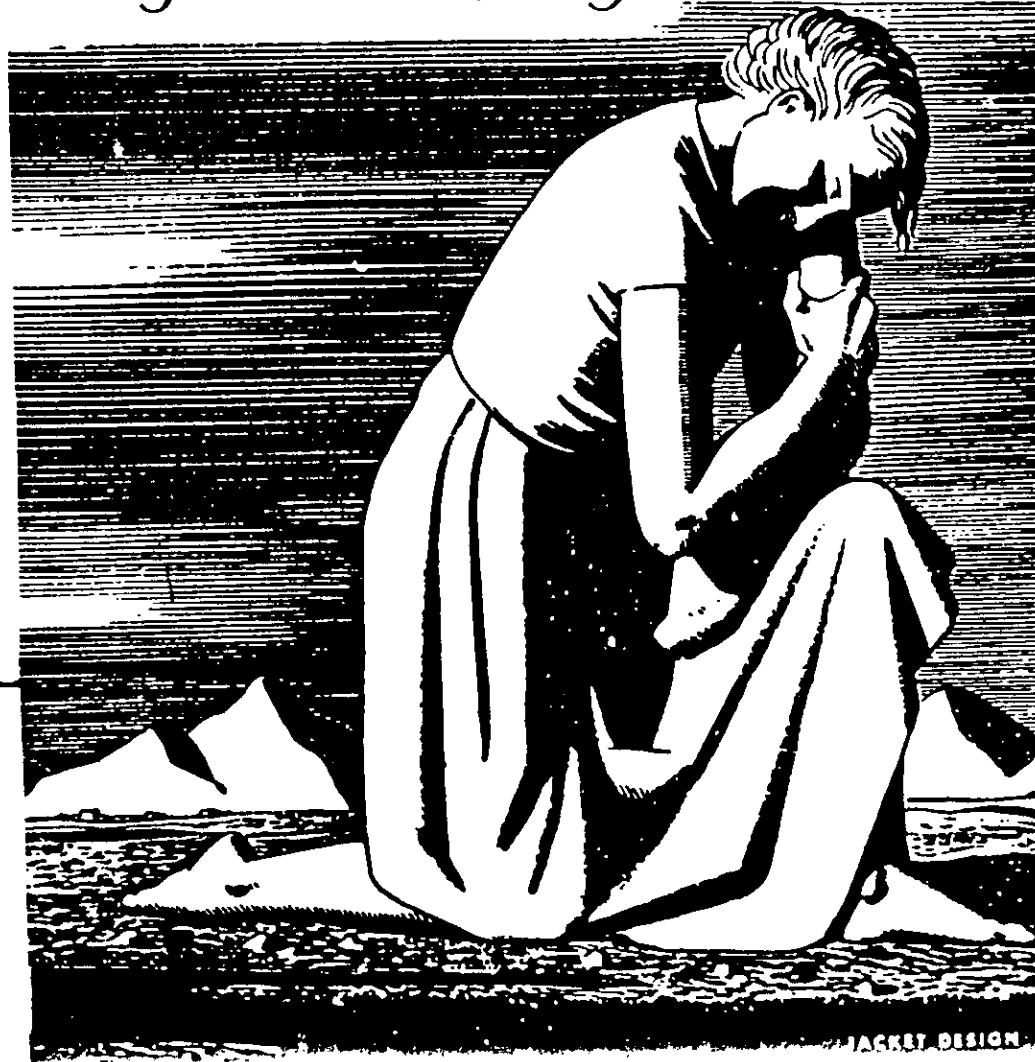
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- What pressures and fears drove a brother to send his own sister to her death, and made a man send his best friend, Morton Sobell, to a living death of 30 years in Alcatraz?
- What were the pathological phantasies admitted at a previous trial by Harry Gold which were never revealed to the Rosenberg jury?
- Why has the general public been led to accept the authenticity of Dr. Klaus Fuchs as the foremost atomic spy, solely on his own confession—that of a self-styled “controlled schizophrenic”?
- How was the guilt-by-association evidence of the ubiquitous Elizabeth Bentley utilized to provide political “motive” even though it never connected the Rosenbergs and Sobell with the crimes charged?
- Why was testimony admitted as evidence against the Rosenbergs from a photographer who was later exposed as a perjurer in a sworn affidavit by an FBI agent?
- What were the roles of Prosecutor Saypol and his “confidential assistant,” Roy M. Cohn, and what went on before the trial between the prosecution and the attorney for the principal government witnesses?
- How did *United States* officials illegally arrange for Mexican “deportation” of Morton Sobell?
- Why did the *Columbia Law Review* state that “the rights of the Rosenbergs did not receive the precise and extensive consideration that must characterize the administration of the criminal law”?
- And why did Justice Hugo Black declare that the Supreme Court of the United States had “never reviewed the record of this trial and therefore never affirmed the fairness of this trial”?

PREPARED FOR THE NATIONAL CONFERENCE  
OF ROSENBERG-SOBELL COMMITTEES  
IN CHICAGO, OCT. 10-11 1953  
BY PROFESSOR STEPHEN LOVE

ANALYSIS OF CASE AGAINST MORTON SOBELL

The thirty year sentence imposed upon MORTON SOBELL is a blight upon the reputation of American justice. The sentence is unprecedented in its severity; it has no justification in the evidence; it is obviously the product of hysteria rather than representing a calm reasoned conclusion; it has aroused the protest of well-intentioned people the world over.

Despite the characterization of MORTON SOBELL as a "traitor" or as an "atomic spy", the record in his case is entirely devoid of any evidence which would justify either appellation. SOBELL was neither indicted or tried for treason. The Federal Constitution requires that treason be proven by the testimony of two witnesses to the same overt act. Since no one - not a single person - testified that SOBELL gave any information to any representative of any foreign power, the charge of treason was out of the question.

The defendant was indicted under a fairly recent Federal statute; the indictment under which he was tried jointly with JULIUS and ETHEL ROSENBERG - which indictment was filed January 31, 1951 - charged them with having conspired with ANATOLI A. YAKOVLEV, DAVID GREENGLASS, RUTH GREENGLASS and HARRY GOLD (the last two of whom were not indicted), to deliver to a foreign government, the Soviet Union, between June 6, 1944, and June 16, 1955, while the United States was at war, certain documents, writings, sketches, notes and information relating to the national defense of the United States, with intent and reason to believe it would be used to the advantage of the Soviet Union; there was no charge that the same would be harmful to the United States.

Upon motion of counsel for SOBELL, the United States was compelled to file a list of the overt acts chargeable against SOBELL, which list consisted of nothing but a list of five conversations between SOBELL and JULIUS ROSENBERG between January, 1946, and May, 1948.

At the outset, it may be stated without fear of contradiction that despite the fact that the gravamen of the indictment was the delivery of documents, writings, sketches, notes and information relating to our national defense, nevertheless, not a single witness testified, nor was there a scrap of paper, to the effect that SOBELL had delivered anything to anybody at any time relating to our national defense. As a matter of fact, with the exception of the witnesses who testified to SOBELL'S alleged flight to Mexico, there were but two witnesses who even mentioned the name of SOBELL, namely, MAX ELITCHER and WILLIAM DANZIGER.

However, even the characterization of DANZIGER as a witness against Sobell is an act of supererogation, since his only testimony was that he and SOBELL had attended highschool together, had graduated from the same class of the College of the City of New York in June, 1938, had thereafter also worked together for some years at the Bureau of Ordnance of the Navy Department in Washington; that DANZIGER visited SOBELL at his home in Flushing, Long Island, in May, 1950, when he told SOBELL that he was in the electrical business and had asked SOBELL for the address of JULIUS ROSENBERG, who, as Sobell told him, was in the machine shop business, it being the witness' idea that he might give ROSENBERG some machine shop work. The witness also testified that SOBELL told him that he was leaving for a vacation in Mexico in June, 1950, and when the witness came to his home, the SOBELL family was packing to leave and were going to Mexico City. He also testified that some time later, he received a letter from SOBELL from Mexico City, the return address on which was K. SCWELL, the letter containing a letter to be forwarded to his sister-in-law and to his parents. The return address on this letter being that of M. LEVITOV.

Despite the fact that the defendants were not indicted on the charge of being Communists, nor on the charge of treason, the United States Attorney, in his very opening statement (p. 182) introduced the charge that the loyalty and allegiance of the defendants "were not to our country, but that it was to Communism. Communism in this country is a world-wide Communist system, and referred to them as "traitorous Americans" (p. 182), guilty of "traitorous activities" and "unreasonable acts". Remember, please, that none of the defendants had been indicted on the charge of treason.

When the defendants objected to the introduction of the element of Communism, upon the ground that the defendants were not on trial for being Communists, the trial judge held that the inquiry was proper going to the motive of the defendants to commit the acts charged against them; the United States Circuit Court of Appeals held that he was correct in that ruling. The trial judge went on to caution the jurors that they were "not to determine the guilt or innocence of a defendant on whether or not he is a Communist". I submit that such a performance by a trial judge may be legally sound but in the long run one of those amiable hypocracies of the law. It represents one of those rules which the law feels necessary but which the seeker for justice finds practical rather than just. In these days, repeatedly to call a defendant in a criminal case a Communist and then expect him to get a fair trial before a jury simply because the trial judge directs the jury to disregard that charge is naive, if not directly insincere. The warning to the jury to disregard a particular charge is, as stated by no less a personage than Mr. Justice Jackson of the Supreme Court, in *Krulwitch v. United States*, 336 U.S. 440, (1,1650) but "an empty ritual without any practical effect on the jurors". It is largely on the basis of such repeated "empty rituals" that the defendants now face the chair.

The trial proceeded in the atmosphere generated by those charges and by the evident conviction of the trial judge that the defendants were guilty, a conviction which he did little to conceal from the jury. He made notations, in the record, of over a hundred points at which the trial judge aided the government and its witnesses or showed hostility to the defendants or their counsel, or minimized their evidence.

The court's attitude toward counsel for Sobell was well shown by the following observations as the following: (p. 202)

"Let me ask you this, Mr. Phillips: have you tried any criminal cases? I know your specialty is in the real estate field".

(Or this choice bit before the jury (p. 808):

"Mr. Kuntz: May I finish my argument?  
The Court: Mr. Kuntz, no, you may not. It is a lot of gibberish."

\* \* \* \* \*

"Mr. Kuntz: May I --

The Court: No, the Court put that question, Mr. Kuntz, and don't give me any course of instruction as to what is usually done in a courtroom. This is the way I am running this courtroom, Mr. Kuntz, and I think I understand how a courtroom should be run. I don't care to hear anything further from you. Your objection is noted".

It does not take a veteran trial lawyer to understand what this attitude of attitude on the part of the presiding judge does to the attitude of the lawyer thus humiliated.

The only other witness against SOBELL, namely, MAX ELITCHER, likewise attended high school and then college with SOBELL up to 1938. He testified that in 1939 he and SOBELL had a conversation in regard to the Communist Party, and that ultimately he joined.

a cell of the Communist party in Washington at SOBELL'S suggestion, and attended meetings of that cell for two or three months after May, 1939, and until 1941; that he continued to be a member of the Communist party until 1948, one group of the party being known as the Navy Branch. He testified nothing further about membership in the Communist party, but he said that he met SOBELL again in 1947 at the Reeves Instrument Plant in New York where SOBELL asked him if he knew of students who could be approached concerning espionage and obtaining classified material.

The witness further testified that during the week proceeding Labor Day in 1944, he had a conversation with SOBELL, and that SOBELL was angry when he heard that ROSENBERG had mentioned his name.

The witness further testified that SOBELL was employed in the General Electric Plant in Schenectady in 1946, and then inquired of the witness whether there was any written material available as to his work; that SOBELL suggested or "implied" that the witness was to see ROSENBERG about espionage business in 1946; and that in 1947, when he met SOBELL at the Sugar Bowl Restaurant, he asked the witness whether his wife knew about the espionage business, and also asked the witness whether he would let SOBELL know of any engineering students who were "progressive"; that in June, 1948, he told SOBELL that he was leaving the Bureau of Ordnance, and that SOBELL asked him to do nothing about that until he had seen SOBELL and ROSENBERG, subsequently to which SOBELL arranged a meeting between the witness and ROSENBERG; that at that meeting SOBELL and ROSENBERG both tried to persuade him to stay at the Bureau of Ordnance because ROSENBERG needed someone to work at that Bureau for espionage purposes, but that the witness adhered to his determination to leave Washington.

The witness finally testified that in July or August, 1948, when he was driving from Washington to SOBELL'S home in New York he was followed by two cars and that when he told SOBELL this the latter was angry; that SOBELL asked him to go with him to deliver a 35 millimeter film can to ROSENBERG and that they drove to the neighborhood of the Journal American Building, where SOBELL got out of the car; that when SOBELL returned he told him that ROSENBERG was not concerned about SOBELL'S having been followed, and that he also admitted that he had once talked to ELIZABETH BENTLEY but said that she had not recognized his voice; the last time the witness talked to SOBELL was in June, 1950.

The foregoing testimony was the only evidence against SOBELL; it served as the basis for the thirty year sentence; it was not corroborated by another witness; it came only from the lips of ELITCHER who readily admitted that he knew he had committed perjury in 1947 in applying for a government position, in executing a loyalty oath and in concealing the fact that he was then a Communist; when he was interrogated about this case by the F.B.I. in 1950, they told him that they knew he was a Communist, and he was then fearful that he would be prosecuted by the United States government for perjury.

In view of the weakness of the evidence against SOBELL, you naturally ask yourself why he was found guilty. There are several answers to that:

FIRST: Apparently in reliance upon their conviction that there was not enough evidence to justify a conviction, counsel for SOBELL did not permit him to take the stand; that was a mistake. as it now appears;

SECOND: The government introduced evidence to show that SOBELL and his family had escaped to Mexico and stayed in a number of places under variations of the name "SOBELL"; since he did not take the stand, SOBELL gave no explanation of his flight, and that immediately prejudiced him before the jury; worse than that, the jury was not given any evidence as to the manner in which he had been kidnapped by the Mexican police, without process, and had been turned over to the F.B.I. at the border; although

the government must have known that it was false, it introduced a card by an Immigration Inspector at the time SOBELL was forcibly returned to the United States, which card read "Deported from Mexico"; since he did not take the stand, SOBELL was not able to give the jury the facts to show that he had been kidnapped from Mexico rather than being deported;

THIRD: The government was allowed to introduce evidence as to the activities of the Communists in the United States upon the theory that such activities would show the motives of these defendants as Communists; once that door was opened, the cause of the defendants, including SOBELL, was sunk. The first witness on the Communist issue was HARRY GOLD, a self-confessed spy, serving a thirty year sentence, who would some day be applying for parole. He had a Roman Holiday on the witness stand, relating alleged activities of the Communists with which the defendants were in no wise connected; as a matter of fact, he never even knew either SOBELL or the ROSENBERGS; that this created an atmosphere and a prejudice against the defendants which they could not possibly overcome is undeniable.

Another witness presented in connection with the Communist picturization of the case was our old friend, the ubiquitous ELIZABETH BENTLEY, Since she has made a career of professing to be a reformed Communist, and has made a living off writing books, presenting lectures, and testifying in practically every case and every Congressional hearing involving Communism, directly or indirectly, it was to be expected that sooner or later the charming Elizabeth would appear here, too. She was subpoenaed from a hard-earned vacation in Puerto Rico, for the ostensible purpose of establishing the relationship between the Communist Party of the United States and the Communist International. She was allowed, however, to give an extensive history of what she characterized her activities as a secret courier among many named and unnamed alleged Communists, which testimony consisted of many generalities, much hearsay, etc. The testimony certainly was calculated to give the jury a picture of very widely-spread and sinister activities of the Communists in this country. That it was very prejudicial to the defendants, in the eyes of the jury, cannot be doubted, even though she did not profess even to know the defendants.

Well, you ask me -- and your friends ask you -- if this case was so patently full of holes, why did not the Circuit Court of Appeals reverse a conviction based upon that evidence? Even lawyers ask me that. The answer is simple. In the Federal Judicial system, unlike the practise in most of the state courts, the Circuit Court of Appeals, that is the Court of Review, "is not allowed to consider the credibility of witnesses or reliability of testimony. Particularly in the Federal Judicial system, that is the jury's province": Mr. Justice Frank's opinion in behalf of the Circuit Court of Appeals: (p. 1648).

Why that rule has become so well established in the Federal Courts is hard to say. Time and time again, a trial judge upsets a verdict of "guilty", or criticises an acquittal as a miscarriage of justice. Time and time again, a state reviewing or appeals court reverses a judgement upon a verdict of guilty, sometimes without even sending it back for a new trial. History, too, has not infrequently shown juries to have been dead wrong. But in the Federal Judicial system, the verdict of a jury, however induced by fear, or hysteria or prejudice, if approved by the very trial judge who probably impelled that verdict, can never be set aside on the ground that it was based on false or unreliable testimony. Why must the defendants, why must the defendants, why must we all, accept irrevocably the view of a Judge Kaufman and of a jury so exposed to the influence of his attitude and his rulings? Why may not a higher court review the reliability of the testimony, particularly when the very lives of people depend upon that testimony? I should think that every lawyer, every judge, anxious to vindicate the processes of law and to administer justice, as far as that is humanly possible, would demand that some higher court, in the fair and detached atmosphere



of a court review, free from hysteria and devoid of the spirit of "we'll show these Communists", review the evidence, every bit of it, and direct the acquittal of the defendants, if the evidence did not warrant their conviction. That is what we have a right to expect of our courts; that is what courts are for!

In view of the above record, the sentence pronounced upon MORTON SOBELL by Judge Kaufman is almost incredible. Jointly with the ROSENBERGS he prosecuted an appeal to the United States Court of Appeals for the Second Circuit. The opinion of that court affirmed the judgement of Judge Kaufman although the Circuit Court Judge JEROME FRANK gave it as his opinion that MORTON SOBELL was entitled to a new trial on the ground that the evidence established, if anything, two separate conspiracies: (a) Conspiracy between ROSENBERG and SOBELL to solicit and obtain ELITCHER'S aid in espionage activities and to send military engineering and fire control information to Europe; (b) Conspiracy between ROSENBERG, GREENGLASS and GOLD to send atomic information from Los Alamos to Russia, with which conspiracy no one, and no evidence, linked SOBELL even remotely; Judge Frank held that trying SOBELL jointly with defendants charged with another conspiracy with which he had no connection was grave, reversible error. His two colleagues on that Court disagreed with him. The Supreme Court never passed upon that question, because it has steadfastly refused to take jurisdiction of the case. SOBELL faces thirty years in jail because one judge of the Circuit Court of Appeals does not agree with the theory propounded by counsel and accepted by JUDGE FRANK.

That is one of the great tragedies of this case, namely, that in a case of this highly controversial nature, where the evidence is so insufficient, where the courtroom and outside atmosphere are so inimical to the defendant, where the possibility of a fair trial has been so obviously impaired, nevertheless the Supreme Court refuses to pass upon the case, refuses even to consider the full record. And the press, and the commentators, and that portion of the public misled by them, cry that the defendant has had a fair trial and fair consideration by the Supreme Court!

We must not allow our interest to lag, nor our desire to help an unfortunate fellow being grow cold. In a measure, MORTON SOBELL has suffered an even greater injustice than his fellow defendants, since we all concentrated, understandingly, on the ROSENBERG case. The SOBELL case is just as vital. The condemnation of an innocent man to a living death of thirty years, the destruction of his family, the martyrdom of his courageous wife, are factors which no American, no man with a human heart, can ignore. We must continue, both in the courts and by repeated appeals to executive clemency, and by unrelenting search for further evidence, to attempt to undo a great wrong! When public opinion resumes its normal atmosphere, when the witch hunt is over, when normalcy returns, America will thank us for our efforts, I am certain.

IMMEDIATE RELEASE

## COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL

940 Broadway, New York 10, N. Y.

AL 4-9983

From the desk of: Ted Jacobs

### MEXICAN LEGAL AUTHORITIES SAY 'DIGNITY OF MEXICO'

#### DEMANDS REVIEW OF MORTON SOBELL CASE

NEW YORK, Dec. 26--Prominent Mexican attorneys are reported to be convinced "the dignity of Mexico" demands a re-examination of the case of Morton Sobell, according to La Semana, a leading Mexican magazine.

It was learned in New York today that the November issue of La Semana carries an article reporting a belief among Mexican legal authorities that the laws and sovereignty of Mexico were blatantly violated by the seizure of Sobell and his family from Mexican soil in August, 1950.

Sobell, serving 30 years in Alcatraz on a charge of conspiracy to commit espionage, is appealing to the U. S. Court of Appeals in his effort to prove his innocence and establish that his trial was fraudulent.

His appeal charges that the prosecutors, without knowledge or participation of Mexican authorities, kidnapped him and his family while they were vacationing in Mexico City. Then, Sobell asserts, the prosecutors deceived the courts with perjured testimony by claiming he had been lawfully deported by the Mexican authorities. Furthermore, Sobell's appeal argues, his illegal seizure violated a U.S.-Mexican treaty, and therefore the U.S. courts lacked the sovereign power to try him.

In an article headlined, "The Dignity of Mexico Demands Review of Sobell case," La Semana stated: "We know that several eminent legal authorities have been consulted and have given uniform legal opinions that such violations completely deprive the court which tried Sobell of its competence and nullify the sentence against him."

The magazine reported discussion of the case at a recent meeting of the Academy of Penal Sciences, where it was stated that Mexico must see that the guarantees contained in our Constitution for citizens and foreigners and the obligations of extradition treaties in force must be respected; for otherwise Mexican dignity is compromised by the interference of foreign authorities."

The magazine said questions which "greatly interest Mexico" include:  
"How could Morton Sobell have been dragged from his home in Mexico City without order of competent authority acting upon constitutional laws?"

"How could he cross our frontier, passing by Mexican Immigration authorities, when he had been deprived, as it has been shown, of his papers of identity by the seizers?"

"What validity has the judgment against him from the moment that his delivery to the court was made in violation of civil rights, of the internal laws of Mexico and above all, of the Extradition Treaty in force between Mexico and the United States?"



Morton Sobell

30 Charlton St.

New York City

WA 9-9061

RELEASE IN PAPERS OF  
TODAY, MAY 11

EMINENT AMERICANS ASK PRESIDENT EISENHOWER TO RECOMMEND  
NEW TRIAL FOR MORTON SOBELL OR RELEASE HIM FROM PRISON

I have forwarded to President Eisenhower a letter concerning the case of my husband, Morton Sobell, signed by many eminent Americans, including Dr. Davis, commentator; Lewis Mumford, author; Dr. Roland Bainton of the Divinity School; Dr. Harold C. Urey, Nobel Prize scientist; Rev. John Jones; Dr. Linus Pauling, Nobel Prize scientist; Dr. Paul L. Lehmann of Princeton Theological Seminary; and Prof. Gardner Murphy of the Menninger Foundation. The letter asks the President to take executive action, either to recommend a new trial for my husband, or to pardon him or commute his sentence.

The text of the letter, together with an alphabetical list of some of the signers, is attached.

*Helen L. Sobell*

(Mrs. Morton Sobell)

President Dwight D. Eisenhower  
White House  
Washington, D. C.

Mr. President:

It is because we share your deep concern for the spiritual health of our nation and for the principles of justice upon which it is founded that we address ourselves to you concerning the case of Morton Sobell.

Morton Sobell, now in his sixth year of imprisonment and confined in Alcatraz, is seeking a new trial to reverse his 30-year sentence on a charge of conspiracy to commit espionage." Both he and his defenders maintain that he is innocent. Moreover, the trial record shows that the judge in passing sentence stated: "The evidence in the case did not point to any activity on your (Morton Sobell's) part in connection with the atomic bomb project."

We do not press upon you, Mr. President, the question of Morton Sobell's innocence or guilt--for we ourselves are not of one mind on that issue. Our faith in our democratic system of justice assures us that the truth will ultimately be established.

We believe it is vital that our nation safeguard its security, but it is important that we do not permit this concern to lead us astray from our traditions of justice and humanity. In this light, we further believe that Morton Sobell's continued imprisonment does not serve our nation's interest or security.

Therefore, most respectfully and earnestly, Mr. President, we look to you to exercise your executive authority either by asking the Attorney General to consent to a new trial for Morton Sobell or by the granting of Executive Pardon or Commutation. We take the liberty of urging your personal attention to this matter.

Mr. Murray Abowitz, Los Angeles, Cal.  
Mr. Alnor Alexander of the American Friends Service Committee, Los Angeles, Cal.  
Mr. Roland H. Bainton, Yale Divinity School, New Haven, Conn.  
Rev. William Baird, Essex Community Church, Chicago, Ill.  
Rev. Reginald H. Bass, Community Church, Brooklyn, N.Y.  
Allen Marston Beardsley, Los Angeles, Cal.  
Edward Biberman, Los Angeles, Cal.  
Mr. Leo Bigelman, Los Angeles, Cal.  
Miss F. Binford, Hull House, Chicago, Ill.  
Prof. David Blackwell, University of California, Berkeley, Cal.  
Prof. Derk Bodde, University of Pennsylvania, Philadelphia, Pa.  
Reuben W. Borough, Los Angeles, Cal.  
Prof. Murray Branch, Moorehouse College, Atlanta, Ga.  
Robert L. Brook, attorney, Los Angeles, Cal.  
Prof. Anton J. Carlson, University of Chicago, Chicago, Ill.  
Rabbi Franklin Cohn, Los Angeles, Cal.  
Mr. Ephraim Cross, City College, New York, N.Y.  
Elmer Davis, Commentator, Washington, D.C.  
Frank C. Davis, psychologist, Beverly Hills, Cal.  
Dorothy Day, editor Catholic Worker, New York, N.Y.  
Rabbi Julian B. Feibelman, Temple Sinai, New Orleans, La.  
John F. Finerty, attorney in the Sacco-Vanzetti and Mooney-Billings cases, New York, N.Y.  
Waldo Frenk, author, Truro, Mass.  
J. Allan Frankel, attorney, Los Angeles, Cal.

- G. Shubert Frye, Synod of New York, Syracuse, N.Y.
- Well Geismar, Literary Critic, Harrison, N.Y.
- Erwin R. Goodenough, Yale University, New Haven, Conn.
- Alice Hamilton, Hadlyme, Conn.
- Liam Harrison, publisher and editor Boston Chronicle, Boston, Mass.
- John Paul Jones, Union Presbyterian Church of Bay Ridge, Brooklyn, N.Y.
- Isaac Kolthoff, University of Minnesota, Minneapolis, Minn.
- Kuehne, Prof. Emeritus, University of Texas, Austin, Tex.
- John Howland Lathrop, Unitarian Church, Brooklyn, N.Y.
- Norman Lavet, North Hollywood, Cal.
- Paul L. Lehmann, Director of Graduate Studies, Princeton Theological Seminary
- Milton Lester, Beverly Hills, Cal.
- Milton Z. London, Los Angeles, Cal.
- Bernard M. Loomer, Divinity School of the University of Chicago, Chicago, Ill.
- Neil Marshall, attorney, Los Angeles, Cal.
- Leo Mayer, New York, N.Y.
- McCabe, attorney, Philadelphia, Pa.
- Sidney G. Menk, University Heights Presbyterian Church, New York, N.Y.
- Mumford, author, Amenia, N.Y.
- Gardner Murphy, Menninger Foundation, Topeka, Kansas
- Scott Nearing, Camp Rosier, Maine
- Nodore Ninesteel, Los Angeles, Cal.
- George Patrick H. O'Brien, Detroit, Mich.
- Victor Paschkis, Columbia University, New York, N.Y.
- Linus Pauling, Nobel Prize scientist, Pasadena, Cal.
- Alexander E. Pennes, Los Angeles, Cal.
- Richard W. Petherbridge, attorney, El Centro, Cal.
- Dreyden L. Phelps, Fellowship Church, Berkeley, Cal.
- Irving E. Putnam, Methodist Church, Minneapolis, Minn.
- Anatol Rappaport, University of Michigan, Ann Arbor, Mich.
- Oscar K. Rice, University of North Carolina, Chapel Hill, N.C.
- Malcolm Sharp, University of Chicago Law School, Chicago, Ill.
- Margaret T. Simkin, Los Angeles, Cal.
- Edward P. Totten, Santa Ana, Cal.
- Harold C. Urey, scientist and Nobel Prize winner, Chicago, Ill.
- Francis D. Wormuth, University of Utah, Salt Lake City, Utah
- Frank Weymouth, Los Angeles, Cal.

liations are for identification only.

# Press Release

COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL

940 Broadway, New York 10, N. Y.

AL 4-9983

FOR IMMEDIATE RELEASE

From the desk of: Ted Jacobs

QUESTIONING OF ROSENBERG-SOBELL TRIAL MOUNTS  
AS WEXLEY BOOK GAINS RECOGNITION

The last two months have marked a sharp increase in the number of publications and individuals questioning the trial of Morton Sobell and Ethel and Julius Rosenberg. Most of the statements have come in the form of comment on John Wexley's book, "The Judgment of Julius and Ethel Rosenberg," which is beginning to make a substantial impression.

The Committee to Secure Justice for Morton Sobell reports that some 1,000 complimentary copies of John Wexley's 672-page study of the case have been sent to prominent government officials, Senators and Congressmen, professors, attorneys, labor leaders, book reviewers, newspaper editors and other important persons. These copies have been paid for through public contribution. Another 9,000 books have been sold.

Recent comments included a statement by Walter Millis, editor of "The Forrestal Diaries" and former editorial writer for the N.Y. Herald Tribune, who said after reading the Wexley book: "The evidence on which Morton Sobell was convicted was probably perjurious; if it were legally possible, the case ought to be reviewed on its merits, while in any event the 30-year sentence was grossly disproportionate to any crime actually attested against him."

(Attorneys for Sobell are soon to file a motion for a new trial).  
Margot Jackson, reviewing the book in the Akron (Ohio) Journal, said: "The people in this book--some free now, two executed, one in Alcatraz for life-- become blood-and-breathing persons. The chain of events knotted here is as taut as any cloak-and-dagger story. But this one wrenches the mind, for the whole question remains: How was justice served?"

The Clarion-Ledger-Jackson (Mississippi) Daily News, paper with the largest circulation in Mississippi, carried a review by Frank Hains, who said: "This exhaustive (and often exhausting) study of the trial record and the Columbia Law Review summary would seem to indicate that there was not the proof beyond a 'shadow of a doubt' which the law demands; that the Rosenbergs were not convicted by the evidence against them, but by the temper of the times. Whether or not they were guilty in fact is a question which may never be answered

A review of national significance appeared in the Western Political Quarterly, published by the University of Utah as the official journal of the Western Political Science Association and the Pacific Northwest Political Science Association. Prof. Francis D. Wormuth of the University of Utah devoted four pages to summarizing the points Wexley makes, then commented sharply: "Obviously the Department of Justice cannot answer all criticisms. But unless it answers Mr. Wexley's we must conclude that the Rosenberg case is our Dreyfus case, outdoing the first in sordidness, cruelty, and terror."

A review also appeared recently in the Rochester, N.Y. Democrat and Chronicle. W. Dewitt Manning wrote: "Inevitably, as time passes, discussion is heard concerning the possibility that in the trial and execution of Julius and Ethel Rosenberg, the net result has been to create two martyrs. In his monumental work, the 'Judgment of Julius and Ethel Rosenberg', John Wexley, author of a number of outstanding books, presents detailed findings concerning the conduct of the trial and numerous comments on the character of witnesses whose testimony was presented. He also suggests disturbing implications with regard to the cold war and national hysteria."

The Brooklyn Jewish Express commented: "The Rosenbergs are beyond the power of justice, but their alleged accomplice, Morton Sobell, is in Alcatraz, serving a 30-year term. An investigation and a re-trial would seem warranted on the basis of Mr. Wexley's disclosures."

The Committee to Secure Justice for Morton Sobell disclosed that at least 50 publications are now studying the Wexley book for possible review. The Committee said it is difficult to measure

the full extent of influence the book is having, as field representatives touring the country are constantly coming across community leaders who have read the book (in some instances passed from person to person) and are eager to see Sobell get a new trial.

In addition to the recent comments cited above, there have been comments raising questions about the case by such persons as Elmer Davis, author; James H. Wolfe, former chief justice of the State of Utah; Judge Patrick H. O'Brien of Michigan; Brett Halliday, mystery writer; also in reviews by the Indianapolis News, the Nation, the Cleveland Call and Post, in addition to many other reviews by persons and publicists previously convinced of a miscarriage of justice. Nancy F. Wechsler, writing in the New York Post, was critical of Wexley's book, but in discussing it commented on the case: "Whether Sobell should have been convicted on the meagre record against him...whether the tactics of the prosecution or the demeanor of the judge impaired the fairness of the proceedings, whether the defendants were convicted and sentenced on a record which might not have produced the same result in calmer times--all these are real issues which call for honest appraisal."

The Sobell Committee said that to the best of their knowledge there had been only one review of the Wexley book that was totally adverse to belief that justice was not done --a review in the New Leader by S. Andhil Fineberg, himself the author of a book which claims the Rosenbergs and Sobell were guilty as charged and dismisses appeals in their behalf as Communist propaganda.

###

PERHAPS some of us are radicals; perhaps some of us are liberals; very few of us perhaps politically would dare admit that we are conservatives. I don't know about Senator Langer, but I'm here, I promise you, because I am at this moment a conservative. It's America, deeply and wholly America, our beloved country and its future that I am thinking of. This doesn't mean that I am not thinking of Morton Sobell. To think of him is so painful that I find that I don't think of him most of the time. We must think of him. We can't know everyone. The light is upon him, and he is a symbol and he is ourselves, in a way, but he also is this young man, this suffering young man, who, oh, because of what? — maybe because of mistaken ideas? — or maybe also because he was generous, because he was adventurous, because in seeking for the truth he was willing to run the risk of being wrong. And here is this country of ours, this powerful country, cruelly torturing this man, and his family, his wife and children, by incarcerating him, not only incarcerating him, but by incarcerating him for 30 years; not merely by incarcerating him for 30 years but by placing him in a prison 3,000 miles away from where his family is, a prison that is reserved for the hopelessly criminal. Is this man a hopeless criminal? Far from it. But I will say this: that the courts of justice that put this man in Alcatraz, 3,000 miles away from his home, are criminal. I won't say that they are hopelessly criminal, because I have hope.

While we bear this in mind, we must also bear ourselves in mind. We must realize that if we belong to a body politic which permits injustice, the sickness is within us. We must realize that if we belong to a body politic which can practice cruelty, which tolerates persecution of what the majority consider heresy, then this corruption is within ourselves. Sobell is a symbol of our responsibility, and of our danger—of the tragic danger to America if we permit this injustice to be done.

For more information about the case of Morton Sobell write to:  
COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL



Waldo Frank

Author  
Waldo Frank  
asks justice  
for  
Morton Sobell

This is the text of a speech made by Waldo Frank, novelist and essayist known for his books on America, at an Assembly for Justice for Morton Sobell, held in Carnegie Hall, New York City, on Sept. 29, 1955. Morton Sobell is imprisoned in Alcatraz on a 30-year sentence. He is serving his sixth year in prison. He was convicted with Ethel and Julius Rosenberg on a charge of "conspiracy to commit espionage." Morton Sobell has repeatedly affirmed his innocence. Many prominent Americans are urging that he be given a new trial; that he be transferred from Alcatraz prison; that there be a thorough investigation made so that all the facts can be established.

THIS meeting, it seems to me, typifies what we expect of America. What do we expect of America? We expect that America will be jealous of its devotion to justice, we expect that America will be fierce in its defense of every person, not for fear that something could happen to you and me, but through the knowledge that whenever there is injustice and cruelty toward anyone, it is happening to you and it is happening to me. The answer to the old question asked by Cain, "Am I my brother's keeper?" is "yes." Because only if we keep our brother do we keep ourselves. Only if we defend him do we defend ourselves.

There is another right that I like to believe America will long

spirit is to grope its way toward the light (and it's merely beginning that long, long passage) if the human spirit is to have a home in America, then we must defend the right of every man not only to dissent, but to be wrong; because the truth can never be reached by men who are afraid of the possibility of being wrong.

And therefore it seems to me that this meeting here in Carnegie Hall is a symbol, a symbol of the America we all love, a symbol of the America that we all have to defend.

Now what are the facts in this particular case? I'm only going to talk about facts that I'm sure of. I don't know Morton Sobell. I know nothing personally about him. I suppose he had a lot of ideas I don't agree with. I'm pretty sure that he made mistakes, even from his own standpoint. It wasn't smart to run around in Mexico the way he seems to have done. He was afraid. One's never smart when one's afraid, even though he may have had reason to be afraid. It wasn't smart of him not to take the witness stand on the advice of his attorney. I understand why he did it. But it wasn't smart. I suppose Sobell was a Communist. Well, I don't happen to agree with Communists on many points. I don't accept their philosophy, but as I hold to my own philosophy and as I love my country, I will defend the Communist's right to his philosophy, to his form of love of country and ideas.

**I** WANT to keep to what I'm sure of. One of the items that makes this country glorious is that little note within our Bill of Rights that every man shall be considered innocent until he is proved guilty. You don't have to be an international lawyer after a glimpse at the record in the case against Sobell to know that he was never proven guilty. What he did is his responsibility with God and his own conscience. This is sure: legally, this man, serving 30 years in Alcatraz, is innocent because he has not been proven guilty.

And I am here tonight, as you are here tonight, my friends, because we realize that we are responsible, yes, all of us are responsible for the fact that this man — unjustly and cruelly — is in Alcatraz. Each of us is a part of the body politic in our country. When injustice is done on the least of ourselves, we are all responsible.

What are the other facts I am sure of? The atmosphere of that

fear that literally humanity could not breathe there and humanity was stifled. Now we are responsible for that, just the same as we are responsible for similar waves of hysteria and witchhunting which have previously swept our country. For the Alien and Sedition Laws, for the Ku Klux Klan movement, for the Know-Nothing movement with its prejudice against the Irish and the Catholics. It has happened before and the health of the country has always eventually righted the evil situation. Yes, we are responsible, my friends, for seeing that America once again should right itself. Because it is plain, leaving aside all question of what Morton Sobell may have thought or of what in some vague moment he may have listened to or heard or said — it is perfectly obvious that he was tried because he was a heretic.

**N**OW some of our liberal friends say our Bill of Rights is irrelevant in the case of Communists. "Oh yes, but these Communists," they say, "if they gained power would take away this freedom of speech and liberty which you're trying to defend." I agree they would. That's their politics, for the moment. At least that's the way it seems to be working out, in some countries. It may be temporary, but all right, let's agree. If that's their philosophy, I insist just the same that they should have the right to express it. And insist that only in so far as we give them the right to express their philosophy do we have a chance to preserve our own. And this is commonplace, this is platitude; this is exactly the equivalent of the words of our great Supreme Court justices like Oliver Wendell Holmes, like Brandeis.

So here we have, because of our own fear, because of our own insecurities, this atmosphere under which this man was cruelly and outrageously sentenced. And we have this happening because unfortunately there is indifference among the American people. We don't recognize our responsibility. We're too full of fears. We hear too much over the radio. We are blinded and deafened by this constant endless vociferation of falsehoods and prejudices. But a meeting like this heartens us. And the fact that here gathered on the platform are men and women of many judgments, of many convictions, many of them, I'm sure, far more conservative than I am, and yet all are agreed; and none of us who are talking to you here is talking with any motive or with any basis deeper than that of conserving, of preserving the spirit of America.



# Press Release

PL9

FOR IMMEDIATE RELEASE

COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL

940 Broadway, New York 10, N. Y.

AL 4-9983

From the desk of: Ted Jacobs

VANCOUVER COLUMNIST LAUDS WEXLEY'S

ROSENBERG-SOBELL BOOK

A book review in the Jewish Western Bulletin of Vancouver, British Columbia, is the latest article to laud John Wexley's book charging injustice against Julius and Ethel Rosenberg and Morton Sobell.

The review, written by Abe Averbach, refers to Wexley's "The Judgment of Julius and Ethel Rosenberg", as "a giant amongst books" concerning American justice.

Morton Sobell, co-defendant with the Rosenbergs, now has an appeal for a new trial before the courts. Sobell, condemned to 30 years on charge of "conspiracy to commit espionage" and imprisoned in Alcatraz, asserts his innocence.

The text of the article, published May 25, is as follows:

"Three years of monumental and painstaking research went into this work, to make it the most definite book on this world important case with which it deals.

"John Wexley is no newcomer on the stage of justice. His plays include such memorable works as the 'Last Mile', 'They Shall Not Die', 'Steel' and others. To his credit for screen-plays we can add 'City of Conquest', 'The Long Night' and (in collaboration) 'The Amazing Dr. Clitterhouse' and 'Confessions of a Nazi Spy.'

NOTE TO EDITORS AND REVIEWERS: Those of you who have not yet reviewed John Wexley's book might find this an appropriate time to do so, since this June 19th marks the third year since the Rosenberg execution.

"He came to the Rosenberg trial intending, as usual, to eventually write a play about it. Emotionally aroused by the hysteria and the myriad ramifications surrounding the case, he decided then and there to make a thorough investigation of his own. Like the distinguished scientist, Dr. Harold Urey, the author felt too 'that the integrity of justice was at stake.'

"The book is written so that every reader can assume for himself the role of juror while analyzing the mass of evidence and background. To such an extent has the author made sure of his material that he has documented throughout the book, the complete Columbia Law review Summary on the case, which can be synthesized in the following quote from the law review: 'The rights of the Rosenbergs did not receive the precise and extensive consideration that must characterize the administration of the criminal law.'

"This book is no doubt a giant amongst books concerning American search for justice."

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National Rosenberg-Sobell Committee  
2050 Sixth Avenue, New York 18  
NY 4-9585

For Immediate Release b7d

NEW PAMPHLET GIVES FACTS  
IN CASE OF MORTON SOBELL

NEW YORK, Oct. 20--A new pamphlet called "The Scientist in Alcatraz" and giving 16 questions and answers on the case of Morton Sobell is being circulated by the National Rosenberg-Sobell Committee. Sobell, a young scientist, was condemned to 30 years in Alcatraz after being tried with Ethel and Julius Rosenberg on a charge of conspiracy to commit espionage".

The pamphlet, which quotes Sobell's statement that he is completely innocent, discusses the questions that have arisen in connection with the conviction of Sobell.

It lists the charges, points to the inconsistencies in the case against him, and urges that Sobell be granted a new trial

"The good name of our nation already has been stained before the eyes of the world by the execution of the Rosenbergs", the pamphlet concludes. "Despite the opinion of three Supreme Court justices that the execution was illegal, the Rosenbergs were rushed to their death. The Rosenbergs were executed without the Supreme Court ever having reviewed the facts in the case. They died without the new evidence ever having been reviewed.

"Fortunately Morton Sobell is still alive and the opportunity exists to grant him a new trial and afford him some measure of justice"

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Editors: A copy of the pamphlet is enclosed for your reference.)

National Rosenberg-Sobell Committee  
350 Sixth Avenue, New York 18, N.Y.  
C 4-9585

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For Immediate Release

DENIAL OF SOBELL APPEAL FOR NEW TRIAL  
SEEN RESULTING FROM ATTEMPT TO SUPPRESS EVIDENCE

NEW YORK, Oct. 15--The National Rosenberg-Sobell Committee, formed last weekend in Chicago, today termed the rejection by the U.S. Circuit Court of Appeals of Morton Sobell's plea for a new trial "the result of an attempt to suppress the new evidence in the Rosenberg-Sobell case."

The Court of Appeals announced Monday that it had rejected Sobell's appeal for a new trial based on new evidence which the defense contends shows that major prosecution witnesses perjured themselves in the trial. Ethel and Julius Rosenberg were executed and Sobell was imprisoned in Alcatraz without the Supreme Court ever having reviewed this evidence.

The committee today issued the following statement:

"The rejection of Morton Sobell's appeal for a new trial is the result of attempts to suppress the new evidence in the Rosenberg-Sobell case.

"The U.S. Attorney General's office has consistently opposed requests for a hearing on this evidence. It did this in carrying out the execution of Ethel and Julius Rosenberg despite their protests of innocence. It is now doing the same thing to keep Morton Sobell in Alcatraz despite his statement of innocence and evidence of perjury."

"It is the responsibility of the Attorney General's office to see that the truth in the Rosenberg-Sobell case is uncovered.

"The National Rosenberg-Sobell Committee calls upon people throughout the country to give wide public support to Morton Sobell's request for a new trial".

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THE SCIENTIST IN

# ALCATRAZ



16

QUESTIONS  
AND ANSWERS  
ON THE  
CASE OF

**Morton  
Sobell**



**Morton Sobell and his wife, Helen**

printed as a public service by  
The National Committee to Secure Justice in the Rosenberg-Sobell Case  
1030 Sixth Avenue, New York 18, N. Y.

Even if Sobell were guilty, the 30-year sentence was unprecedented for cases tried under the same act. Sentences of persons charged with espionage for a war-time enemy (and Sobell's case involved a wartime ally) averaged four to five years. In Sobell's case the judge went out of his way to recommend in advance that there be no parole. Why such severity?

In passing sentence Judge Kaufman said: "It is so difficult to make people realize that this country is engaged in a life and death struggle with a completely different system." Why did political considerations play a role in the passing of sentence?

## Why Alcatraz?

Sobell was transferred to Alcatraz while motions for appeal were still pending. Alcatraz, from which prisoners cannot be paroled, is traditionally reserved for hardened criminals who have escaped from other prisons and have had long criminal records. Sobell fits neither of these categories.

Was he put in Alcatraz to pressure him into making a false confession? Ever since Sobell was arrested he has been told to "cooperate" and he would receive leniency. But Sobell swears he is innocent. Is Alcatraz being used as a third degree method, just as the electric chair was used in a vain attempt to force from the Rosenbergs a confession to a crime of which they also swore innocence?

## WHAT CAN BE DONE?

Sobell's case is before the courts. One judge already has stated that Sobell should have a new trial. Judge Jerome N. Frank, dissenting in a 2-1 Circuit Court of Appeal decision, said: "The writer of this opinion disagrees. He thinks there was error, in this respect, which requires that Sobell be given a new trial."

Such a trial would afford the opportunity of presenting the new evidence that has never been reviewed by the Supreme Court. The evidence includes proof that leading prosecution witnesses perjured themselves and that the prosecution bargained for perjured testimony to get a conviction.

Millions throughout America and the world have grave doubts about the Rosenberg-Sobell case. Millions are convinced that the Rosenbergs and Sobell are innocent. They are united in a conviction that Sobell should have a new trial so that all of the facts can come to light.

Those who want a new trial include such prominent persons as Dr. Harold C. Urey, America's foremost atomic scientist, who said after studying the

believed to present in fact. I do not know what he did do.

While the case is in the courts Morton Sobell should be moved to a place where he can see his children and consult freely with his attorney. None of these things is possible in Alcatraz.

## WHY IS THIS CASE VITAL TO AMERICA?

Not only the life of Morton Sobell is at stake; American justice itself is imperiled.

If a man can be imprisoned for 30 years on the word of a perjurer, if prosecuting attorneys can bargain for perjured testimony, if scientists like Sobell can be persecuted for political beliefs and associations of their youth, if political considerations can dictate the sentence in a trial, if the defendant is denied a chance to present new evidence—then the traditions of American justice and liberty are being violated.

The good name of our nation already has been stained before the eyes of the world by the execution of the Rosenbergs. Despite the opinion of three Supreme Court justices that the execution was illegal, the Rosenbergs were rushed to their death. The Rosenbergs were executed without the Supreme Court ever having reviewed the facts in the case. They died without the new evidence ever having been reviewed.

Fortunately Morton Sobell is still alive and the opportunity exists to grant him a new trial and afford him some measure of justice.

## YOU CAN HELP

### MAIL COUPON TODAY

Natl. Comm. to Secure Justice in the Rosenberg-Sobell Case  
1050 Sixth Ave., New York 18, N. Y.

*I would like to see a new trial for Morton Sobell so all of the facts can be brought to light, and I am in favor of removing him from Alcatraz pending outcome of legal appeals. Enclosed find \$..... to help defray legal expenses and bring the facts in the case to the American people.*

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ Zone \_\_\_\_\_ State \_\_\_\_\_

## Did Sobell Change His Name?

The prosecution tried to prejudice the jury against Sobell by introducing evidence that he had changed his name in Mexico. In a statement submitted to the Circuit Court of Appeals on Oct. 5, 1953, in connection with his appeal. Sobell said:

"... the newspapers suddenly published the news of Julius Rosenberg's arrest (July 16, 1950) as an alleged "atom spy." To me, the charge was absurd, but nonetheless frightening in what it meant. I had known Julius in City College years before, we had been together in a number of progressive student organizations during our college days, and had seen each other infrequently since then. I felt that he was being persecuted for political reasons, and that the charge was calculated to intimidate and silence political dissent in the United States. I reasoned that anybody who opposed the then new Korean war, or otherwise dared to speak up and oppose any American policies he disagreed with, would be slapped into jail on one pretext or another. But this led me to make the mistake of feeling that a dictatorship was already taking over my country.

"Then, and only then, was it that I left the family in the Mexico City apartment and traveled around Mexico—to Vera Cruz and Tampico—even using false names, and inquiring about passage to Europe or South America for all of us. It is hard to understand how I might have been led to do such a stupid thing, but it didn't take long for me to recognize how inept and pointless it was. Of course, I had no idea how it could be misinterpreted, and how dangerous it would turn out to be.

"So I went back to Mexico City, and my wife and I talked it over once again. We realized that our ties to home were too strong, that we owed it to everyone to return and help to combat the repressive tendencies from which we had contemplated staying away and 'sitting it out.' I know now how right this last decision was, and how wrong I was to think I could isolate myself from others who had the same problem . . ."

## Why Didn't Sobell Take the Stand?

In his affidavit on Oct. 5, Sobell stated:

"... I am impelled to submit this affidavit particularly because my counsel have informed me that at every stage of this proceeding, since the trial, the United States attorney has stressed in oral argument

and aff...  
given any significance whatsoever, for the following reasons, which I owe it to myself and my family to bring to the Court's attention.

"I wanted to testify on my own behalf at my trial. I did not do so because my trial attorneys insisted that I should not, because (1) of the fact that the case that the prosecution had put in against me was so weak that my innocence was clearly established, and (2) that it was so clear that I had nothing to do with any atomic espionage conspiracy (as Judge Kaufman later admitted in sentencing me) that it would necessarily follow that I would be freed. Judge Frank's dissent from the affirmance of my conviction, while illustrating that my trial attorneys were motivated by reasons of substance, was nevertheless only a dissent, and hence I know I should have insisted on telling my story. I am completely innocent of the charges made against me . . ."

## Was Sobell Linked to Atomic Espionage?

The prosecution branded Sobell an "atom spy" and this label was pinned on him by the newspapers. Most Americans probably have been misled into believing he was convicted of "atomic espionage." This is completely false. Judge Kaufman told Sobell in court: "The evidence in the case did not point to any activity on your part in connection with the atomic bomb project."

## How Could the Jury Convict Him?

In a conspiracy charge evidence that a crime was committed is not needed to convict. Throughout American history conspiracy laws have been used when there was not enough evidence to prove an actual crime. Of the 116 witnesses listed by the prosecution, only one witness testified against Sobell with respect to espionage. But under the law of conspiracy, the testimony of all of the witnesses applied to Sobell. Thus the testimony alleging atomic espionage automatically applied to Sobell, even though as Judge Kaufman admitted, Sobell was proved to have had nothing to do with atomic espionage. Could the jury have judged Sobell's case fairly under these circumstances?

The Philadelphia Branch of the American Civil Liberties Union called Sobell's trial "a dangerous extension of the concept of conspiracy."

The trial also took place in an atmosphere of hysteria after the start of the Korean war. The prosecution devoted most of its time trying to prove Sobell was a Communist, a charge aimed to prejudice the jury against the defendant.



TICKET NO. 100-100-100  
 DATE JUN 22 50  
 NEW YORK  
 NOT TRANSFERABLE  
 Mr. J. Sobell  
 Mr. M. Sobell

LISTA DE PASAJEROS AEREO  
AIR PASSENGER MANIFEST

AMERICAN AIRLINES DE MEXICO, S.A.  
AMERICAN AIRLINES, INC.

VUELO NUM.  
FLIGHT NO.

PROPIETARIO  
OWNER  
AVIACION  
AIRCRAFT NO.

E. U. A.  
DATE

FECHA  
DATE

EMBARQUE  
EMBARKATION

| No. | Nombre               | Edad | Sexo | Nacionalidad        |
|-----|----------------------|------|------|---------------------|
| 17  | Morton Sobell        | 33   | h    | americana - turista |
| 18  | Raoul G de Luberman  | 45   | h    | francesa - turista  |
| 19  | Mark Sobell (INCL)   | 1    | h    | americana - turista |
| 20  | Sydney Sobell (INCL) | 10   | m    | americana - turista |
|     | Helen L. Sobell      | 32   | m    | americana           |

CONFORMED TO AND CERTIFIED TO BE A TRUE COPY  
OF THE ORIGINAL DOCUMENT

DATE MAR 27 1951

AMERICAN AIRLINES INC.

Airline tickets bought in Sobell's name, as certified by American Airlines, and the listing as tourists of Sobell and his family on the airline passenger roster show Sobell went to Mexico in a routine manner.

## What Was the Evidence?

No documentary evidence linking Sobell to espionage was ever introduced in the trial. Of 116 witnesses listed by the prosecution, only one man connected Sobell to the conspiracy charged. This witness was Max Elitcher, a neighbor of the Sobell family and one of Sobell's former classmates at City College.

What was Elitcher's testimony?

a) In the first 12 pages of Elitcher's testimony, he did not mention Sobell in connection with espionage. Elitcher finally linked Sobell to the conspiracy with the statement that Julius Rosenberg had told him Sobell was in it too.

...from Washington to Morton Sobell in New York

...company Julius Rosenberg, allegedly also a spy. Elitcher admitted under cross examination that his story was added to his testimony 4 months after Sobell's kidnapping from Mexico).

Elitcher asked us to believe that spies, knowing they were being followed by the F.B.I., would visit each other.

c) Elitcher also tried to say that Sobell had "confessed" to him that he was a spy. These are Elitcher's words:

A. Well, he said, I don't know in what words, or implied that it had to do with this espionage business, but I don't recall the exact nature of the words.

—Trial Transcript, p. 249

Other conversations such as the above and Elitcher's story of the ride constitute the total evidence linking Sobell to espionage. Again it should be noted that the five conversations with Julius Rosenberg charged against Sobell were not mentioned during the trial.

Other government witnesses testified regarding the circumstances of Sobell's stay in Mexico. But no contention was made that this testimony proved any direct connection with espionage activities.

## Can Elitcher Be Believed?

In his charge to the jury, Judge Irving Kaufman said: "If you do not believe the testimony of Max Elitcher as it pertains to Sobell, then you must acquit the defendant Sobell."

Max Elitcher admitted in the trial that he had committed perjury in another matter. He admitted he was afraid of a possible perjury indictment that could bring him a five-year sentence. Elitcher testified that he had signed a non-Communist oath and had perjured himself. Elitcher also testified that he and his wife had been undergoing psychiatric treatment.

For testifying against Sobell, Elitcher was rewarded by never being indicted for his admitted perjury. He also received a high-salaried job obtained with the assistance of the F.B.I.

Under cross-examination Elitcher revealed many inconsistencies and contradictions in his testimony. He was compelled to admit that there were discrepancies in his story.

### OF SOBELL'S ARREST?

Morton Sobell and his family went to Mexico on June 22 1950, for a vacation. On Aug. 16, 1950, his apartment in Mexico City was invaded by armed men who claimed to be Mexican police but had no warrant.

—Trial Transcript, p. 31

[fol. u] AFFIDAVIT OF SOBELL IN ARREST OF JUDGMENT

STATE OF NEW YORK,  
County of New York, ss:

Morton Sobell, being duly sworn, deposes and says:

I am one of the defendants herein and I make this affidavit in the interest of justice and in furtherance of my rights as an American born and brought up in this country.

On Wednesday, August 16, 1950 at about 8:00 P. M. we had just finished our dinner in our apartment in Mexico City in the United States of Mexico, and while my wife and I were lingering over our coffee there was a knock on the door. My older daughter opened the door and three men burst into the room with drawn guns and bodies poised for shooting; these men did not ask my name, did not say what they wanted. I demanded to see a warrant, or some other legal process. No reply, except some vague charge that I was one "Johnny Jones" and that I robbed a bank in Acapulco in the sum of \$15,000.00 was made. Of course, I vehemently denied the charge and tried to show them my papers, visas, etc., to prove that I was no bank robber.

One of the men showed a piece of metal in his hand and [fol. u-1] said they were police. They were dressed in civilian clothes. A fourth man came later. He also was in civilian clothes.

Only about 10 minutes lapsed from the time that they came till they hustled me out, and that was after I insisted on calling the American Embassy; but without being permitted to do so.

They picked me up bodily and carried me down from the fourth floor to the ground floor. In the street I kept shouting for the police. A taxi was hailed and they opened the door; tried to force me into the taxi; when two more men came in and beat me over the head with black jacks until I lost consciousness. I woke up in the taxi and I was stretched horizontally at the feet of the three men.

They accused Morton Sobell of having robbed a bank in Acapulco.

Sobell was beaten unconscious and taken to an office building. His wife, protesting the kidnapping and screaming for help, was also seized. The two Sobell children were left alone for several hours until another group of armed men came to get them. The men also gathered up some of the Sobell belongings and stuffed them into suitcases.

At 4 a.m. Sobell was put in one car with armed guards instructed to kill him if he "made trouble," and his wife and children were put in a second car. They rode for 24 hours without stopping until they reached the U. S. border. At 2 a.m. Mrs. Sobell, in a state of collapse, was released with the children. Sobell was turned over to the F.B.I.

The New York Times on Aug. 18 1950, quoted Mexican immigration officials as saying that Mexican secret police did not report to their office, but delivered Sobell directly to the F.B.I. This procedure was termed "unusual" by the assistant chief of Mexican immigration. An article in the New York Times on Aug. 19 stated: "The case was surrounded by extraordinary secrecy. The four agents who made the arrest still refused to furnish details. It was not known in exactly what manner Mexican authorities deported the instrument specialist." The government promptly issued inflammatory stories to the press charging that Sobell was an atom spy. He was convicted in the headlines before being brought to trial.

## Why Was Sobell Kidnapped?

The lack of evidence against Morton Sobell was underscored by the unlawful kidnapping of Sobell and his family from Mexico. By the kidnapping, the government showed that it did not even have enough evidence to extradite him from Mexico through legal channels, let alone prove espionage activities.

The kidnapping also deprived Sobell of his right to return voluntarily to face charges. The government thereby tried to make it appear that Sobell was a fugitive. It should be noted that Sobell later waived extradition from Texas, anxious to be brought to New York to fight the charges against him.

Sobell stated that he and his family were vacationing in Mexico. The plane tickets in his name and the passenger list of the airline show that Sobell and his family went to Mexico as tourists in a routine manner. In a legal motion Sobell's attorney presented the uncontradicted fact that the Sobell family had received the vaccinations needed to return to the United States just before the kidnapping. Proof of the vaccinations, their child's return plane ticket to the United States, family movies of their tour, as well as camera, watch, clothing etc., were among personal belongings which disappeared at the time of the kidnapping. The return plane ticket has been found to be in the possession of the F.B.I.

He is a 36-year-old scientist and engineer born in New York City and convicted in the same trial with Ethel and Julius Rosenberg on a charge of "conspiracy to commit espionage." He was sentenced to 30 years in prison and is now in Alcatraz. To this day Sobell swears he is completely innocent.

## What Is His Background?

Ever since his school days Sobell aspired to be a scientist. He was graduated as an electrical engineer from City College of New York, worked for the Bureau of Ordnance of the Navy Department, received a degree of Master of Science in Engineering from the University of Michigan, passed up a fellowship so that he could do war work against the Axis, was registered on the National Roster of Scientific Personnel for the War Manpower Commission, cooperated in 1944 with the Senate Committee investigating the National Defense program, worked for the General Electric Company and was employed by the Reeves Instrument Company.

During his college days and later during his professional life, Morton Sobell was an ardent liberal who vigorously supported Franklin D. Roosevelt and his New Deal policies.

Sobell is married. Until the time of his arrest, he lived with his wife, Helen, their son, and his wife's daughter by a previous marriage.

## What Was the Charge?

Sobell was charged with "conspiracy to commit espionage" with Ethel and Julius Rosenberg. Sobell was not named in the first indictment in the case. He was brought into the case in a "superseding" indictment. The only specific charges listed against Sobell by the prosecution were that he had five conversations with Julius Rosenberg. These five conversations were required to be proved in court. They never were even mentioned during the course of the trial.

## What Was Sobell's Connection With Julius Rosenberg?

Sobell knew Julius Rosenberg when they were classmates at City College. They were part of a circle of friends. After graduation Sobell and Rosenberg visited each other socially a few times. Rosenberg, who testified to his own innocence, also testified that Morton Sobell was innocent.

(rob q)

IN UNITED STATES DISTRICT COURT

COMPLAINT—August 3, 1950

Affidavit of REX I. SHRODER

Approved: MYLES J. LANE, Chief Assistant U. S. Attorney

Before: Honorable Edward W. McDonald, United States  
Commissioner, Southern District of New York

UNITED STATES OF AMERICA

v.

MORTON SOBELL

26

the object thereof, the defendant and co-conspirators did commit, among others, the following overt acts:

1. In January, 1946, the defendant had a conversation with Julius Rosenberg at the Southern District of New York.
2. In June, 1946, the defendant Sobell had a conversation with Julius Rosenberg at the Southern District of New York.
3. In February, 1947, the defendant Sobell had a conversation with Julius Rosenberg at the Southern District of New York.
4. In July, 1947, the defendant Sobell had a conversation with Julius Rosenberg at the Southern District of New York.
5. In May, 1948, the defendant Sobell had a conversation with Julius Rosenberg at the Southern District of New York: in violation of Section 34, Title 50, United States Code (1946 Edition).

—Trial Transcript, p. 26

Above are the charges **named** against Sobell. These conversations were never mentioned during the trial.

Dear Mr. Tolson

Dear Mr. Tolson

As the wife of Martin Luther King, Jr. I am sure that you will understand the importance of this appeal. My husband's case is a matter of national conscience and the freedom of the American people.

I have signed this enclosed appeal for my husband's freedom. I hope that Mr. Tolson will have the same feeling. I have also signed the appeal of the following persons: Emer. David L. Broder, Chicago; Rabbi Uri M. Miller, Chicago; Rabbi Jacob J. G. ... New York; Rev. John Paul Jones, ... Washington, D.C. ... and any other persons of prominent standing.

Throughout history, the oppressed and the weak have always championed the cause of the oppressed and the weak. It is not for their own sake, but for all people, that they have turned their eyes or hearts or minds to the sufferings of others.

Recently I visited my husband in Alcatraz. It was a relief to be able to tell you that after 1 1/2 years of isolation, he has not broken his spirit. He is still fighting for the cause of American justice. We are given strength by the knowledge that so many believe in his cause and believe in his ordeal.

I know my husband to be innocent and have confidence that the truth will be proven. However, the years pass by and the seventh year of my husband's imprisonment is our hope. Added to these others, can any one of these years be the truth for us?

On Washington's Friday, Sept. 10, 1964, I am sure that you will be gathering in Los Angeles on behalf of my husband. Will you please at that time, the names of all who are signing their signatures to be made public. Please include my name if you possibly can.

Very sincerely yours,

Betty Robinson



Appeal to the President

President Dwight D. Eisenhower  
The White House  
Washington, D. C.

Dear Mr. President:

It is because we share your deep concern for the spiritual health of our nation and for the principle of justice upon which it is founded that we address ourselves to you concerning the case of Morton Sobell.

Morton Sobell, now in his ninth year of imprisonment and confined in Alcatraz, is asking that you reverse his 30-year sentence on the charge of conspiracy to commit espionage. Both he and his defenders maintain that he is innocent. Moreover, the criminal record shows that the judge in passing sentence stated that the evidence in the case did not point to any activity on your part (Morton Sobell's) part in connection with the atomic bomb project.

We do not press upon you, Mr. President, the question of Morton Sobell's innocence or guilt. However, we ourselves are not of one mind on that issue. Our faith in our democratic system of justice is shaken by the fact that the man will ultimately be established.

We believe it is vital that our nation safeguard its security, but it is important that we do not permit this concern to lead us away from our tradition of justice and humanity. In this respect, we feel that Morton Sobell's continued imprisonment does not serve our nation's interest or security.

Therefore, most respectfully and earnestly, Mr. President, we look to you to exercise your executive authority either by asking the Attorney General to consent to a new trial for Morton Sobell or by the granting of Executive Pardon or Commutation. We make the liberty of urging your personal attention to this matter.

Very truly yours,  
[Signature]

My signature may be made public if you wish.  
Signature of the Appellant

This request that my name be made public



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THE  
SOBELL  
CASE

... by *Stephen Love*

# THE SOBELL CASE . . . by Stephen Love

CASE of Morton Sobell, now serving a thirty-year sentence in Alcatraz, presents a striking example of the kind of misunderstanding induced by the ill-styled "news commentators" and newspaper reporters, very few of whom have examined the record. The record does not justify the designation of Sobell as a traitor or an "atomic spy."

Sobell was not even indicted as a traitor. He was tried on a superseded indictment returned in the U. S. District Court for the Southern District of New York on January 31, 1950, charging him with having conspired with Julius and Ethel Rosenberg, Anatoli A. Yakovlev, David Greenglass, Ruth Greenglass and Harry Gold, between June 6, 1944, and June 15, 1950, while the United States was at war, to deliver to the Soviet Union on certain documents, sketches and information relating to the national defense of the United States, with intent and reason to believe that it would be used to the advantage of the Soviet Union. There was no charge that this might be harmful to the United States.

As a matter of fact, Sobell was never even named in the original indictment returned August 17, 1950, in which the only defendants were Julius and Ethel Rosenberg and Anatoli A. Yakovlev, a former Russian vice-consul in New York, who, as the government knew, had been allowed to return to Russia in 1946 and could not be tried.

The government filed a list of the alleged overt acts, charged to Julius and Ethel Rosenberg, all of which were committed between June 6, 1944, and January 11, 1945, well before the advent of the cold war. As against Sobell, the government filed a bill of particulars charging him with having conspired in the conspiracy on or about June 15, 1944, and with five "overt

acts," consisting of conversations with Julius Rosenberg between January, 1946, and May, 1948.

At the outset, it is indisputable that despite the fact that the gravamen of the indictment was the delivery of the documents, sketches and information relating to our national defense, nevertheless, not a single witness testified, nor was there a scrap of paper, to the effect that Sobell had delivered *anything* to *anybody* at any time relating to our national defense. With the exception of the witnesses who testified to Sobell's alleged flight to Mexico, there were only two witnesses who even mentioned the name of Sobell, namely, Max Elitcher and William Danziger.

MOREOVER, even the characterization of Danziger as a witness against Sobell is hardly justified. Danziger testified that he and Sobell had attended school and college together and also worked together for some years at the navy Bureau of Ordnance in Washington; that he had visited Sobell at the latter's home in May, 1950, when he told Sobell that he was in the electrical business and had asked Sobell for the address of Julius Rosenberg, who, Sobell told him, was in the machine-shop business, it being the witness' idea that he might give Rosenberg some machine-shop work. Danziger also testified that Sobell told him that he was leaving for a vacation in Mexico in June, 1950, and that, some time later, he received a letter from Sobell from Mexico City, the return address name on which was M. Sowell, the envelope containing a letter to be forwarded to his sister-in-law, Edith Levitov, and to his parents, the return address on this letter being that of M. Levitov.

The only witness against Sobell who offered any testimony as to any conspiracy or any acts pursuant thereto was Max Elitcher, who had attended high school and then college with Sobell until 1938. He testified that in 1939 he and Sobell had

a conversation in regard to the Communist Party; that he joined a cell of the Communist Party in Washington at Sobell's suggestion and attended meetings of that cell for two or three months after May, 1939, and until 1941; that he continued to be a member of the Communist Party until 1948, one group of the party being known as the Navy Branch. He testified nothing further about membership in the Communist Party, but said that he met Sobell again in 1947 at the Reeves Instrument Plant in New York where Sobell asked him if he knew of students who could be approached concerning espionage and obtaining classified material.

Elitcher further testified that during the week preceding Labor Day in 1944 he had a conversation with Sobell, and that Sobell was angry when he heard that Rosenberg had mentioned his name; that Sobell was employed in the General Electric Plant in Schenectady in 1946; that Sobell asked Elitcher whether there was any written material available as to his work; that Sobell suggested or "implied" that Elitcher was to see Rosenberg about espionage business in 1946; that in 1947, when he met Sobell at the Sugar Bowl Restaurant, the latter asked him whether his wife knew about the espionage business and also asked him whether he would let Sobell know of any engineering students who were "progressive"; that in June, 1948, Elitcher told Sobell that he was leaving the Bureau of Ordnance and that Sobell asked him to do nothing about that until he had discussed things with Rosenberg, subsequent to which Sobell arranged a meeting between the witness and Rosenberg; that at that meeting Sobell and Rosenberg both tried to persuade Elitcher to stay at the Bureau of Ordnance because Rosenberg needed someone there for espionage purposes, but that the witness adhered to his determination to leave Washington.

Elitcher finally testified that in July or August, 1948, when he was

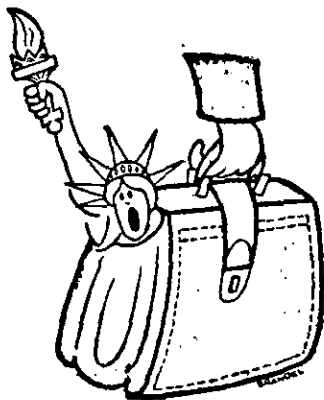
STEPHEN LOVE, a member of the New York bar, is professor of law at Northwestern University.



...ing from Washington to Sobell's  
...me in New York, he was followed  
...two cars and that when he told  
...s to Sobell the latter was angry;  
...at Sobell asked him to go with  
...to deliver a thirty-five-millimeter  
...film can go Rosenberg and  
...they drove to the neighborhood  
...the *Journal American* building,  
...ere Sobell got out of the car; that  
...en Sobell returned he told him  
...t Rosenberg was not concerned  
...out Elitcher's having been followed  
...and that Rosenberg also admitted  
...that he had once talked to  
...rabel Bentley, but said that she  
...d not recognized his voice. The  
...time the witness talked to Sobell  
...was in June, 1950.

There were five witnesses who testified  
in relation to Sobell's visit to  
Mexico in July, 1950; the gravamen  
of their testimony was that Sobell  
used the names of M. Sand, Mor-  
Sand, Marvin Salt and N. Sand;  
one of them also testified that Sobell  
sent two letters intended for his  
brother, then in Mexico City, enclosed  
in envelopes addressed to the witness.  
One of these witnesses testified  
that Sobell had told him that he was  
going to return to the U. S. army  
because he already had seen a war, had  
experienced war; the government  
thereupon produced the records to  
show that Sobell had never served in  
the army.

The foregoing was the only evidence  
against Sobell. The trial judge  
instructed the jury, "If you do not  
believe the testimony of Max Elitcher  
as it pertains to Sobell, then you  
must acquit the defendant Sobell."  
The jury believed Elitcher, although  
the witness admitted that he knew  
Sobell had committed perjury in 1947  
in applying for a government position,  
in executing a loyalty oath and  
in concealing the fact that he was  
a Communist. He admitted also  
that when he was interrogated about  
the Sobell case by the FBI in 1950,  
he told him that they knew he was  
a Communist, and that he was then  
hoping that he would be prosecuted  
for perjury. The trial judge, on the  
basis of Elitcher's testimony, sentenced  
Sobell to thirty years in the  
penitentiary.



Since the evidence against Sobell  
was obviously so inconclusive, the  
question arises as to why he was  
found guilty. There are several  
answers:

1. The most potent factor was that  
although Sobell and his co-defendants,  
the Rosenbergs, had not been  
indicted and ostensibly were not  
being tried on the charge of being  
Communists, the U. S. attorney, in  
his opening statement, introduced  
that element into the case by vigorously  
charging that the loyalty of the  
defendants was "not to our country,  
but . . . to communism," and by  
referring to them as "traitorous  
Americans" guilty of "traitorous  
activities" and "treasonable acts." This  
despite the fact that the defendants  
were not on trial for treason. Following  
this line, the government introduced  
extensive and colorful testimony  
of Harry Gold and the ubiquitous  
Elizabeth Bentley with respect to  
their respective activities in behalf  
of the Communists: each had a  
Roman holiday on the stand. The  
trial court permitted this testimony  
even though neither Gold or Bentley  
knew either Sobell or the Rosenbergs,  
and the name of Sobell was not  
mentioned in the testimony of  
either.

When the defendants objected to  
this line of evidence, the trial judge  
held that the inquiry was proper as  
going to the motive of the defendants  
to commit the acts charged  
against them. (The U. S. Circuit  
Court of Appeals subsequently upheld  
his ruling). The trial judge went  
on to caution the jurors that

they were "not to determine the  
guilt or innocence of a defendant on  
whether or not he is a Communist."  
While such a performance by a trial  
judge may be legally sound, in the  
long run it is one of the less amiable  
hypocrisies of the law. In these days,  
repeatedly to call a defendant in a  
criminal case a Communist and then  
expect him to get a fair trial before  
a jury simply because the trial judge  
directs the jury to disregard that  
charge is either naive or insincere.

2. Apparently convinced that there  
was not enough evidence to justify a  
conviction, counsel for Sobell did  
not permit him to take the stand;  
that was a mistake, as it now appears.

3. The trial judge repeatedly, in  
the presence of the jury, demonstrated  
his hostility to the defendants and  
their counsel. The Circuit Court of  
Appeals held, however, that no  
reversible error had been committed  
by him in this respect.

4. The government made it appear  
that Sobell had fled to Mexico  
in 1950 and that Mexico had deported  
him; it even offered in evidence  
a card in the possession of the  
U. S. immigration authorities on  
which appeared the phrase, "De-  
ported from Mexico."

Sobell and the Rosenbergs lost  
their appeal to the circuit court by  
a two-to-one decision. Judge Jerome  
Frank, in a dissenting opinion, argued  
that Sobell was entitled to a new  
trial on the ground that the evidence  
established, if anything, two  
separate conspiracies: (a) a conspiracy  
between Rosenberg and Sobell to  
solicit and obtain Elitcher's aid  
in espionage activities and to send  
military engineering and fire-control  
information to Europe; (b) a conspiracy  
between Rosenberg, Greenglass and  
Gold to send atomic information to  
Russia, with which conspiracy  
Sobell was not even remotely  
linked by any evidence. Judge  
Frank held that trying Sobell jointly  
with defendants charged with another  
conspiracy, with which he had  
no connection, was grave, reversible  
error.

BUT the majority of the Circuit  
Court of Appeals held that there

error of law, and the Supreme Court has steadfastly refused to re-examine the record. As succinctly stated by Justice Black: "This Court has never reviewed this record and has never affirmed the fairness of the trial. It seems incredible that in a capital case, in which two defendants received the death sentence and the other a thirty-year sentence, the Supreme Court refuses to take jurisdiction to ascertain whether they had a fair trial. This is particularly true in view of the fact that even the Circuit Court of Appeals the defendants did not have a hearing on the sufficiency of the evidence to sustain the convictions against them." As stated by Judge Frank: "Where trial is by jury, this court is not allowed to consider the credibility of witnesses or the reliability of testimony. Particularly in a Federal judicial system, that is the jury's province."

In other words, once a jury, into whose ears are drummed the word "communists" and who are hearing the case before a judge obviously unduly biased to the defendants, finds the defendants guilty, then thereafter no court of review can find that the trial was wrong in its verdict.

Confronted with this situation, counsel for Sobell has had to rely on a different approach.

Sobell and his family left the United States for Mexico in 1950; there was considerable doubt as to their reasons for leaving. If they left under circumstances indicating a consciousness of guilt, that would be a potent, perhaps a conclusive, factor in the minds of the jury. If, on the other hand, their stay there was to be temporary, or, more convincingly, if they returned to the United States before Sobell had been indicted, then this assumption of a consciousness of guilt would be eliminated. It was, therefore, an important link in the government's case to prevent Sobell's voluntary return. The U. S. government prevented such a return by having the Mexican secret police seize Sobell in Mexico, rush him to Laredo, Texas, and there turn him over to the U. S. Immigration Service. That this was done without any judicial process, and without any hearing, is incontrovertible. It was an abduction, even involving physical assault.

To make its charge even stronger, the government somehow produced and offered in evidence a card purporting to be a document prepared

and kept by an immigration inspector of the Immigration Service bearing the legend, "Deported from Mexico." Since there had been no deportation procedure or hearing in Mexico, the entry was patently incorrect. That it did incalculable damage to Sobell's cause in the eyes of the jury cannot be doubted.

COUNSEL for Sobell has filed a petition before the same trial judge who sentenced him, setting forth the facts as to the alleged deportation and asking for a new trial. The petition alleges that the prosecuting authorities had knowingly, willfully and intentionally used false and perjurious testimony, had made false representations to the court and had suppressed evidence which would have impeached and refuted testimony given against Sobell.

If the trial judge rejects the defense petition, counsel will doubtless present the matter to the Circuit Court of Appeals. That court will then be squarely confronted with the question as to whether a conviction obtained by such methods will be upheld as the basis for a thirty-year sentence to a defendant against whom there was so little reliable evidence.

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# MOUNT DORA TOPIC

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19  56

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THURSDAY, JULY 19, 1956



## MUSINGS

By THE EDITOR

When the Kremlin began to dethrone the dead Stalin as the kindly "father" of modern Russia, surely it was a bitter pill for the dictator's worshippers to have to swallow.

The communists were having to admit error—to a gigantic lie that would rock the world with the realization that communism, for several decades, had been doubly hoodwinking a believing people, had knowingly allowed horror to be masked behind a benign smile.

For reasons not entirely fathomable, the heirs of Stalin's throne decided to make a clean breast of it. It's unlikely that they did so to try to cleanse the soul of communism, for it has no soul. It's more likely that they did so on a gamble of a gain in the cold war, even risking the derision and scorn of those they would woo to their side.

Were there such a guilt as this in the United States were it possible for some such great error as Stalinism to get its evil hold upon this nation—I feel confident that the United States would purge itself of the error. I feel this with abiding faith, for I know that Democracy does have a soul.

And I believe that this nation is founded on the principles of Democracy.

With this in mind, I cannot unquestionably accept the verdict of Judge Irving R. Kaufman of the Southern District Court of New York on the appeal of Morton Sobell from the confines of Alcatraz: for a new trial on his conviction as an atom spy.

True, most news accounts of the Sobell appeal brushed the matter off as completely communist-inspired, just as were the appeals for clemency of Julius and Ethel Rosenberg brushed off.

The Rosenbergs, you will remember, were executed at Sing Sing as they proclaimed their innocence as atom spies. Their execution was protested throughout the world, from Pope Pius to suspected communist sympathizers.

Morton Sobell was sentenced to 30 years in prison as one of the Rosenberg "spy ring." He claims he is innocent. A big, thick book entitled, "The Judgement of Julius and Ethel Rosenberg" claims he is innocent.

I do not know where truth lies—whether in the action of Judge Kaufman in brushing off the Sobell appeal, or whether within the pages of this book. I know that Judge Kaufman—who presided, incidentally, at the original trial, professes

belief in what he terms Americanism—the Americanism of truth, honesty and justice. He said recently, "Since, like our communist opponents, we do not rewrite history or suppress news of the mistakes we make..." And he quotes J. Edgar Hoover's statement as a guide for Americans: "We can successfully defeat the communist attempt to capture the United States by fighting it with truth and justice..."

If this is truly the philosophy of Judge Kaufman, then I believe he should have granted Morton Sobell a new trial, for then he could have settled once and for all the question of whether or not the United States has made a grievous mistake.

I do not say that this government has made such a mistake concerning Morton Sobell—and, if his were such, then a still more horrible one concerning the Rosenbergs.

I only know that John Wexley's "The Judgement of Julius and Ethel Rosenberg"—fully documented, presumably completely authentic—raises a tremendous question. Its reading caused me sleepless nights, and stirred an uncomfortable doubt.

I scanned the newspapers after reading it to see what the government was going to say about the charges it made—for I felt they were charges, with documentation, that could not be treated merely with silence. I saw no denials from Mr. Hoover, the Justice department, the prosecutors in the case—including one Roy Cohn, the attorney who later became a pet of Joseph McCarthy and thoroughly discredited for his dishonesty in trying to secure Army favors for his partner, David Schine, and for faking photographs to embarrass Army brass.

I saw no denials, but I began to see reviews of the book—reviews from papers throughout the nation and in Canada. One was written by an old friend, Margot Jackson, book critic for the Akron Beacon Journal. She, too, was wondering where the denials were. The other critics were asking, asking—demanding.

Jurists, university professors, thoughtful people everywhere began asking for more truth about the Sobell case.

The only thing that happened was that a congressional committee suddenly, and for no reason whatever, paraded two others convicted in the Rosenberg-Sobell trials before them, and they made dramatic, but pat, statements about what a horrible thing they had done in spying on their country. Having read of these two people—one a convicted perjurer—in the Wexley book, their statements before the committee—statements brought forth with no connection whatsoever to any investigation today—left me cold.

The committee, however, did not summon Morton Sobell before it, as they should have done if they were completely honest.

What is Sobell's contention of innocence? John Wexley's book, in what seems to be a painstaking probe of the whole matter, contends that the major crime of Morton Sobell was that he lost faith for a time in his government. He admits that he went to Mexico to get away from what he felt was an atmosphere growing too much like Nazi Germany's, but he did not "flee" to Mexico. He went under his own name, with a passport, and with his family, on an announced vacation.

Wexley's account of his "kidnaping" in Mexico makes hair-raising reading. And his documentation of that alleged forced return—so he could be presented at the trial as a "fleeing" spy—gives a lover of truth moments of discomfort that had even physical repercussions.

Lack of proof of Sobell's link with the Rosenbergs, together with Wexley's account of the kind of evidence used against them, is soul-disturbing.

As I say, I do not know where truth lies. But I cannot brush the whole matter off as the very biased news stories on it brushed it off. And I am not alone in this feeling of discomfort—the New York Times has been filled with letters from such as Bertrand Russell in England, thoughtful people in France, from others around the nation which all raise that big question:

"Did the United States make a grievous mistake?"

The way to make certain is for the appeal of Sobell in a higher court to be granted, for a Democracy cannot live with possible guilt on its conscience, and any individual

reprinted as a public service by

The Committee to Secure Justice for Morton Sobell  
940 Broadway, N. Y. C. AL 4-9983

IMMEDIATE RELEASE

**COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL**  
940 Broadway, New York 10, N. Y. AL 4-9983

From the desk of: Ted Jacobs

MEXICAN LEGAL AUTHORITIES SAY 'DIGNITY OF MEXICO'  
DEMANDS REVIEW OF MORTON SOBELL CASE

NEW YORK, Dec. 26--Prominent Mexican attorneys are reported to be convinced that "the dignity of Mexico" demands a re-examination of the case of Morton Sobell, according to La Semana, a leading Mexican magazine.

It was learned in New York today that the November issue of La Semana carries an article reporting a belief among Mexican legal authorities that the laws and sovereignty of Mexico were blatantly violated by the seizure of Sobell and his family from Mexican soil in August, 1950.

Sobell, serving 30 years in Alcatraz on a charge of conspiracy to commit espionage, is appealing to the U. S. Court of Appeals in his effort to prove his innocence and establish that his trial was fraudulent.

His appeal charges that the prosecutors, without knowledge or participation of Mexican authorities, kidnapped him and his family while they were vacationing in Mexico City. Then, Sobell asserts, the prosecutors deceived the courts with perjured testimony by claiming he had been lawfully deported by the Mexican authorities. Furthermore, Sobell's appeal argues, his illegal seizure violated a U.S.-Mexican treaty, and therefore the U.S. courts lacked the sovereign power to try him.

In an article headlined, "The Dignity of Mexico Demands Review of Sobell case," Semana stated: "We know that several eminent legal authorities have been contacted and have given uniform legal opinions that such violations completely deprive the court which tried Sobell of its competence and nullify the sentence against him."

The magazine reported discussion of the case at a recent meeting of the Academy of Penal Sciences, where it was stated that Mexico must see that the guarantees contained in our Constitution for citizens and foreigners and the regulations of extradition treaties in force must be respected; for otherwise Mexican dignity is compromised by the interference of foreign authorities."

The magazine said questions which "greatly interest Mexico" include: "How could Morton Sobell have been dragged from his home in Mexico City without the order of competent authority acting upon constitutional laws?"

"How could he cross our frontier, passing by Mexican Immigration authorities, when he had been deprived, as it has been shown, of his papers of identity by his seizers?"

"What validity has the judgment against him from the moment that his delivery to the court was made in violation of civil rights, of the internal laws of Mexico and above all, of the Extradition Treaty in force between Mexico and the United States?"

# Press Release

**COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL**  
940 Broadway, New York 10, N. Y. • AL 4-9983

From the desk of: Ted Jacobs

## FILM STRIP AVAILABLE ON MORTON SOBELL CASE

A film strip dealing with the case of Morton Sobell is available free of charge for showings by organizations, clubs, churches, and other groups seeking information about the Sobell case.

Sobell is appealing to the courts for the opportunity to prove his innocence of the "conspiracy to commit espionage" charge on which he was sentenced to 30 years of imprisonment. His case has captured public attention here and abroad, with many eminent persons appealing in his behalf on grounds that a miscarriage of justice occurred.

The film strip can be obtained from the Committee to Secure Justice for Morton Sobell, 940 Broadway, New York City.

####

*"Never let them change the truth  
of our innocence"*

**ETHEL AND JULIUS ROSENBERG**

*June 19, 1953 - June 19, 1954*

Issued as a Public Service by

THE NATIONAL COMMITTEE TO SECURE JUSTICE  
FOR MORTON SOBELL IN THE ROSENBERG CASE



Monument by George Salendre, Paris, 1954

by ETHEL ROSENBERG

*You shall know, my sons, shall know  
why we leave the song unsung,  
the book unread, the work undone  
to rest beneath the sod.*

*Mourn no more, my sons, no more  
why the lies and smears were framed,  
the tears we shed, the hurt we bore  
to all shall be proclaimed.*

*Earth shall smile, my sons, shall smile  
and green above our resting place,  
the killing end, the world rejoice  
in brotherhood and peace.*

*Work and build, my sons, and build  
a monument to love and joy,  
to human worth, to faith we kept  
for you, my sons, for you.*

OSSINING, N. Y., JAN. 24, 1953

83-133  
ST. LOUIS POST-DISPATCH

83-133  
ST. LOUIS, FRIDAY, JULY 13, 1956

Between Book Ends

*Shaky Evidence*

WAS JUSTICE DONE?, by Malcolm P. Sharp.  
(Monthly Review Press, 216 pgs., \$3.50.)

This book is an analysis of the complicated record of the Rosenberg case. The author is a law professor at the University of Chicago, and is also president of the National Lawyers Guild. He participated, as an attorney, in the final stages of the case, because by that time, he says, a study of the record had convinced him that the conviction was based, at the very least, on shaky grounds.

Prof. Sharp's main point is that the conviction of the Rosenbergs was caused by the testimony of unreliable witnesses. These witnesses were the Rosenbergs' alleged accomplices, who, according to Mr. Sharp, presumably escaped prosecution or got off with comparatively light sentences in return for implicating them.

The chief supporting evidence was a certain hollowed-out table which the Rosenbergs were supposed to use for secret micro-filming; it never materialized, at the trial, beyond a photograph, and the author contends that the sinister nature of a cheap table which the Rosenbergs did own was a fabrication of the prosecution's witnesses.

For some this book will raise disturbing doubts as to validity of our system of criminal



Harold Urey

justice. The adversary method requires great fairness and restraint, but sometimes a prosecutor will press his advantage to the obfuscation of the jury. Mr. Sharp implies that prosecutors Irving Saypol and Roy Cohn did so in this case. For others the execution of the Rosenbergs raises, anew, questions about the common sense of capital punishment.

If later evidence, or even cool study of the record, raises doubts unfelt by the jury at the tense trial, this can be no help now to people already executed. The record raised doubts, as a matter of fact, in respectable quarters. *L'Osservatore Romano* pleaded, ineffectually, for clemency.

Now for Mr. Sharp's book a foreword has been written by Harold Urey, an eminent nuclear scientist. Dr. Urey eloquently presents his firm belief that both the Rosenbergs and their alleged fellow-spy who is now in prison, Morton Sobell, were victims of injustice. However, the possible validity of this belief could not safely be assessed by any reader, including the present reviewer, without first undertaking the long and dreary task of examining thousands of pages of the record, as well as alleged new evidence produced after the trial. Mr. Sharp performed this task, but inevitably he writes as an advocate rather than as a wholly impartial analyst.

THOMAS H. ELIOT.

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The Committee to Secure Justice for Morton Sobell  
940 Broadway, N. Y. C. AL 4-9983





# Press Release

FOR IMMEDIATE RELEASE

**COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL**  
940 Broadway, New York 10, N. Y. AL 4-9983

From the desk of: Ted Jacobs

## APPEALS COURT ASKED TO FREE MORTON SOBELL BECAUSE OF FRAUD BY PROSECUTORS

### Judge Kaufman Charged with Refusal To Consider New Evidence of Prosecution Perjury

NEW YORK, Dec. 12--The U.S. Court of Appeals today was asked to free Morton Sobell from a 30-year sentence on grounds that the Appeals Court itself, as well as the trial court, had been the victim of fraud and deceit by the prosecution.

Attorneys for Sobell, who is fighting for an opportunity to establish his innocence and prove that his trial was fraudulent, asked the Appeals Court to direct a verdict of acquittal, to grant a new trial, or order a hearing on the new evidence showing that the prosecutors used perjured testimony and deceived the courts.

Two vigorously written briefs, totalling 160 printed pages, attacked lower court Judge Irving Kaufman for refusing to grant Sobell a hearing.

Judge Kaufman was charged with failure to consider any of the new evidence. The briefs charged him with showing a striking disregard for the misconduct of the prosecution and seeking to excuse it by claiming that Sobell had not been diligent enough in exposing this misconduct.

Sobell's attorneys accused Judge Kaufman of "blandly ignoring" the findings of the Appeals Court in the case, and erroneously characterizing the facts and the nature of the prosecution's fraud.

Sobell's attorneys told the Appeals Court that it had been deceived when told by the prosecution that Sobell had been legally deported from Mexico and that the prosecution had nothing to do with it. The new evidence, the brief said, proves that Sobell was never deported, but that Sobell and his wife and

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U.S. COURT OF APPEALS  
NEW YORK

children were illegally kidnapped from Mexican soil by prosecution agents without knowledge of any Mexican authorities.

The briefs state that the prosecution resorted to this fraud to give a false impression of Sobell as a fugitive--a claim needed to bolster the weak case against Sobell.

Sobell's attorneys quoted the Appeals Court finding that the prosecution did in fact claim that Sobell had been legally deported from Mexico. U.S. Attorney Williams stated before Judge Kaufman that the prosecution never meant to imply that Sobell was "legally" deported. By accepting Williams' version, the briefs said, Judge Kaufman ignored the findings of the higher court.

Sobell's attorneys challenged U.S. attorney Paul Williams to either refute or accept the validity of the new evidence. The prosecutors accused in the brief include Roy Cohn, who subsequently became aide to Senator McCarthy, and Irving Saypol, now a New York State judge.

The Sobell briefs said that the prosecution had violated our nation's treaty obligations with Mexico by invading Mexican sovereignty and seizing Sobell--an action protested by Mexican authorities. As a result of this violation, the U.S. did not have the right to try Sobell, the briefs said.

By permitting such actions, Sobell's attorneys charged, Judge Kaufman sets a precedent that makes a mockery of international treaties and runs counter to our State Department's announced policy of respect and observance of agreements between nations.

"It is particularly true in this case," Sobell's attorneys said, "that the ability of our courts to recognize and undo wrong, a characteristic of our democratic tradition, will do great service to our nation and further enhance the prestige of our courts. Our heritage requires that questions concerning the corruption of justice be brought to the attention of the courts, where they will be accorded the most careful scrutiny with all the protections of a judicial hearing."

Sobell's attorneys quoted Chief Justice Warren of the U.S. Supreme Court as saying: "The dignity of the United

States Government will not permit the conviction of any person on tainted testimony...The government of a strong and free nation does not need convictions based upon such testimony."

Sobell was convicted of "conspiracy to commit espionage" in 1951 in the trial with Julius and Ethel Rosenberg, and was sentenced to 30 years by Judge Kaufman, who presided at the trial. Sobell's attorneys had asked Judge Kaufman to step aside and permit another judge to consider Sobell's new Appeals, but Judge Kaufman refused. In recent years, many eminent Americans have stated publicly that they believe Sobell is innocent and should have a new trial.

Sobell's attorneys submitting the briefs include the firm of Frank Donner, Arthur Kinoy and Marshall Perlin of 342 Madison Ave., New York City; Benjamin Dreyfus of San Francisco; and Dr. Luis Sanchez Ponton, professor of law at the University of Mexico and formerly Minister of Education of that country.

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National Committee to Secure Justice for Morton Sobell  
1050 Sixth Ave., New York 18, N.Y. LC 4-9585

FOR IMMEDIATE RELEASE

SENATOR LANGER ASKS JUSTICE

FOR MORTON SOBELL

NEW YORK, SEPT. 30--United States Senator William Langer (R-N.D.), before a cheering crowd of 1800 persons at Carnegie Hall, last night called Mrs. Morton Sobell to the rostrum and made the following pledge:

"Mrs. Sobell," said Senator Langer, "As a member of the Senate Judiciary Committee, I will do everything I can to see that your husband, Morton Sobell, gets justice."

Sobell, condemned to 30 years on a charge of "conspiracy to commit espionage" in the trial with Ethel and Julius Rosenberg, is imprisoned in Alcatraz and fighting for a new trial. The Committee to Secure Justice for Morton Sobell, which sponsored last night's meeting, has appealed to the Senate Sub-Committee on Constitutional Rights, of which Senator Langer is a member, to investigate the Rosenberg-Sobell case to determine the facts.

Senator Langer said that inflammatory stories in the press and actions by the powerful office of the Attorney General to prejudice public opinion against defendants could prevent them from receiving justice.

"It is the duty of an Attorney General to see that no innocent man gets sent to prison, just as much as it is his duty to convict the guilty," Senator Langer said.

The Senator assured the audience that his fellow Senators in Washington were just as interested as he was in seeing that Morton Sobell obtained full justice.

He described Alcatraz prison, where Morton Sobell is being held, as the "worst hell-hole" in the prison system and said he was glad the recommendations had been made for closing the prison.

In apparent answer to criticism of his appearing at a meeting in behalf of Morton Sobell, Senator Langer said firmly:

"I want you to know and I want the press to report that I am proud to be here at this meeting tonight."

The audience was also addressed by Waldo Frank, novelist and essayist, who described the meeting as "a symbol of the America we all love." He said that it was painful to think of Morton Sobell in Alcatraz.

A standing ovation was given to Warren K. Billings, who served 23 years in prison after his conviction with Tom Mooney in one of America's most famous cases. Billings, now 62 years old, and Mooney were released from prison after it was proven that the case against them was a frame-up.

"Morton Sobell was placed in the same position as I was, Billings said. The district attorney threatened me that if I didn't testify against Tom Mooney he would hang Tom Mooney and he would hang me too.

"Today, when they have more refined methods of brainwashing, they let Morton Sobell know that if he didn't testify against the Rosenbergs, he would rot in Alcatraz. But Morton Sobell doesn't have anything to testify anymore than I had anything to testify," said Billings.

Rose Sobell, mother of Sobell, declared to the meeting, "I stand here before God and man and swear that my son is innocent."

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Editors note: The text of Senator Langer's speech is available on request.

IMMEDIATE RELEASE

COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL

940 Broadway, New York 10, N. Y.

AL 4-9983

From the desk of: Ted Jacobs

R29

COLUMNIST IN MADISON CAPITOL TIMES

URGES NEW TRIAL FOR MORTON SOBELL

NEW YORK, Aug. 2--Columnist August Derleth, writing in the Madison, Wisconsin, Capitol Times, has stated that Morton Sobell should have a new trial, it was learned today by the Committee to Secure Justice for Morton Sobell.

Derleth, in reviewing the book, "The Judgment of Julius and Ethel Rosenberg", by John Wexley, said a reassessment was needed of the Rosenberg-Sobell case. He said: "One phase of the reassessment ought not to be delayed any longer. Sobell deserves another trial and a new investigation."

Sobell, imprisoned in Alcatraz on a 30-year sentence and accused of "conspiracy to commit espionage", is appealing to the courts for his freedom or a new trial.

The text of Derleth's column, which appeared June 28, is as follows:

"THE GUILT AND THE GUILTY:--In retrospect, the case of the Rosenbergs and Morton Sobell raises some provocative and disturbing questions. John Wexley, who is admittedly partisan on the side of the defense, has written an exhaustive book of some 672 pages about the case under the title of THE JUDGMENT OF JULIUS AND ETHEL ROSENBERG (Cameron & Kahn, \$6), a book which, despite its obvious bias, makes it manifest that the American public did not have at any time an adequate statement of all the facts pertinent to the case--not alone because many of those facts never reached the press by design, not alone because the evidence on which conviction was obtained was questionable, to say the very least, but also because the defense of the Rosenbergs and Sobell was far too involved in Communist propaganda to do its best for the defendants.

"The Rosenbergs dead were of far more use to the Communists than the Rosenbergs alive, and the government was too involved in its witch hunt to be as impartial as justice demands.

"Mr. Wexley reconstructs all the events preceding the trial. He gives full sketches of the principals and the witnesses, including that self-confessed liar, and ex-Communist, Harry Gold. He details the trial. It is possible, finally, to throw out all Mr. Wexley's inferences, theories, and conclusions, and you are still left with the uneasy feeling, expressed by atomic scientist Harold Urey, that the conviction 'failed to meet the

standards of American justice.' Moreover, it seems clear that Morton Sobell, sentenced to 30 years in prison, ought to have a retrial, one in which the testimony against him ought to be examined with the greatest precision.

"One of the puzzles of our time is the willingness of the federal government to accept as bona fide the testimony of confessed liars, who have professed themselves reformed Communists, even over that of honest men and women who have never fallen for the Communist line. That is only one of the puzzling aspects of the Rosenberg-Sobell case, for the evidence given by Gold and Elitcher, for instance, is incredible on the face of it, and assumes an ever worse aspect in the light of the past of these two witnesses.

\* \* \*

"In the white heat of cold-war years' prejudice, it was impossible to look upon the case dispassionately. Time, however, has a way of setting all things into perspective, and it will undoubtedly put the Rosenberg-Sobell case into a different light as the years go by. THE JUDGMENT OF JULIUS AND ETHEL ROSENBERG is not likely to alter the prevailing opinion on the case, arrived at in the heat of the witch-hunt and by means of only a partial picture, but it is a beginning on the road toward a final re-assessment of the popular verdict, and an ultimate re-judgment which is likely to be different from the national verdict of the year of the trial.

"One phase of the reassessment ought not to be delayed any longer. Sobell deserves another trial and a new investigation. An increasingly impressive number of leaders in various fields, from Sir Bertrand Russell to Scientist Urey, have already raised their voices in Sobell's behalf. It is not alone the question of the degree of Sobell's guilt--or, for that matter, of the Rosenbergs'--that is of primary concern, but the interests of American fair play. Meanwhile, I venture to suggest that anyone who reads Mr. Wexley's book with an open mind, bearing before him always the author's obvious prejudice for the defendants and discounting proportionately, is likely to come away from these pages disagreeably disturbed."

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PC9

# The Minnesota Daily

World's Largest College Circulation

Vol. 56 Minneapolis, Minn., Thursday, Dec. 2, 1954 No. 63

## Helen Sobell's Talk Approved by Dean

Dean of students E. G. Williamson yesterday approved "with some reluctance" the appearance of Mrs. Helen Sobell at a Socialist club meeting at 3:30 p.m. Friday in 155 Ford hall.

She is the wife of Morton Sobell, who was imprisoned with executed atomic spies Julius and Ethel Rosenberg. Sobell was convicted on a charge of conspiracy to commit espionage, although there was no actual charge of espionage itself.

Mrs. Sobell is touring the country in an effort to get her husband a new trial and to get him transferred from Alcatraz to a more "liberal" prison.

Mrs. Sobell contends that the trial was conducted in an atmosphere of "near hysteria" because of the Korean war.

**SENATE COMMITTEE** on student affairs (SCSA) Tuesday recommended that Mrs. Sobell be allowed to speak. The recommendation was made without Dean Williamson or Socialist club members present.

"With some reluctance, I am approving the request of the Socialist club to present Mrs. Helen Sobell as a speaker for their Friday meeting," Dean Williamson said in a written statement, "in line with yesterday's recommendation of the SCSA."

"I am sorry I was unable to attend the meeting of the committee and explain that I continue to experience difficulty in seeing that this speaker's topic provides opportunity for our students to learn some new slants on some national issue.

"IT SEEMED to me to be a personal cause that may have little educational value for us unless the speaker uses her opportunity to explain some alleged weakness in our system of justice or security, or

No Martyrs Here

## Nor A Personal Harangue

WE DON'T LIKE martyrs. We want no one to be made a hero because they weren't allowed to appear on campus. Therefore, we welcome Dean Williamson's decision, and the senate committee on student affairs recommendation, that Mrs. Helen Sobell be allowed to speak here tomorrow.

We want no opportunities for anyone to say the University is infringing on the American traditions of free speech or assembly.

The dean indicates he has doubts about the educational value of Mrs. Sobell's speech, that she is here speaking for a "personal cause." Yet her personal cause, as outlined

to us in a memo circulated by the student activities bureau, is one concerning basic American rights: fair trial and penalty fitting the crime.

MRS. SOBELL FEELS these rights were violated under the American judicial system. She has a right to be heard.

Socialist club will be the loser if Mrs. Sobell's speech is merely a personal harangue. Responsible people have urged that she be allowed to speak here. The dean has passed on the club's request to sponsor her.

She has been given the opportunity to be heard by University people. She and her sponsor now have the obligation to see that the talk is worthwhile.

something else of great significance to all of us at the University.

"Next week I want to meet with the SCSA and request that a special committee be formed to work with my staff in formulating some guidelines so that future student projects may center emphasis more squarely upon the educational content and value for us of these and other kinds of programs, especially those involving speakers from outside the University.

"This would seem to me to be the meaning of the senate's policy of 1946 spelling out the scope and content of student organized programs."

**COMMENTING** on the dean's statement, Socialist club secretary David Herreshoff said his first reaction was one of satisfaction and that he hoped the University would continue to be a defender of the tradition of freedom, conscience and liberty of expression.

"However, I find it difficult to understand how Dean Williamson can hold an opinion of the educational value of a speech he has not heard," Herreshoff stated.

"The only way to judge such a speech is to hear it. Our club will be glad to participate in any discussion regarding future policies of the University respecting rights of campus organizations to invite speakers."



*The Minnesota Dairy*  
The World's Largest College  
Circulation  
Official Newspaper of the University of  
Minnesota in Minneapolis, Minnesota

Background:

# The Story of Morton Sobell

By Norman Larson  
Daily Staff Writer

A woman whose husband currently is serving a 30-year term in Alcatraz on a conspiracy conviction will come to campus tomorrow to speak at a University Socialist club meeting.

Who is this woman and what is her message?

She is Mrs. Helen Sobell, whose husband, Morton, was indicted with David Greenglass and Julius and Ethel Rosenberg on a charge of conspiracy to violate the Espionage act of 1917. He was convicted March 29, 1951, and afterwards sentenced to 30

years imprisonment.

David Greenglass received a 15-year sentence. The Rosenbergs were sentenced to die and were executed in the summer of 1953.

Mrs. Greenglass and Harry Gold were named as co-conspirators but were not named as defendants.

Mrs. Sobell was not implicated in the conspiracy charge.

On Feb. 25, 1952, the US court of appeals upheld the espionage charge of Morton Sobell.

A news story in the New York Times the following day says that Sobell was

charged generally with being a member of the conspiracy but not accused of having anything to do with obtaining atom secrets, as were the Rosenbergs.

The government charged Sobell with turning over radar and electronics data to the ring while employed by General Electric.

The Times article continues:

"Sobell contended in his appeal that his trial should have been severed from the Rosenberg's because two conspiracies were charged and he was accused of taking part in only one of them. He contended that going to trial with the Rosenberg's was highly prejudiced to his case."

On April 8, 1952, the US court of appeals denied Sobell a rehearing.

Then, on Oct. 13, 1952, the US Supreme Court rejected Sobell's plea at the same time it rejected a plea from the Rosenberg's.

Mrs. Sobell now is touring the country in an effort to obtain her husband's transfer from Alcatraz to a more lenient institution. She also may present some arguments to support a new trial for her husband.

The senate committee on student affairs (SCSA) recommended approval of Mrs. Sobell's campus appearance at its Monday meeting. Dean of students E. G. Williamson yesterday issued a statement allowing Mrs. Sobell to come to campus, although the dean said he gave such approval "with some reluctance."

Mrs. Sobell has no other speaking engagements in the Twin Cities although she is planning to speak in other midwestern cities.

Other facts and the full trial record are available at:  
THE NATIONAL COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL  
1050 Sixth Avenue • New York 18, N. Y. • LO 4-9585

# Lord Russell Debate

## CASE OF MORTON SOBELL

### Lord Russell replied:

To the Editor of the Manchester Guardian

Sir.—The letter from Professor Perkins which appeared in your issue of March 31 demands an answer. It is possible to read through the whole of the official report of the judicial proceedings in the Sobell case without learning many of the most important facts. Some, however, can be learnt from the official report. Professor Perkins objects to my saying that Sobell was condemned on the evidence of Elitcher alone. As to this, Judge Irving Kaufman in his charge to the jury said: "If you do not believe the testimony of Max Elitcher as it pertains to Sobell, then you must acquit the defendant Sobell." Elitcher's motives for giving false testimony do not, of course, appear in the official report. But the interesting fact does appear there that the chief agent in the prosecution was McCarthy's now discredited henchman Cohn.

I should be glad to know how Professor Perkins would defend the kidnapping of Sobell and the illegal stamping of his card by the United States immigration officer as "Deported from Mexico." As for the "blanket indictment" of the F.B.I., everybody knows at least the use that the F.B.I. has made of repentant Communists. It is generally recognised in modern times that confessions extorted by torture in past ages are unreliable, but it is thought that testimony extorted from confessed perjurers by the threat of prosecution should be accepted without question.

Professor Perkins doubts whether my letter can have any useful effect. I had hoped that it might induce a re-examination of Sobell's case in America, though Professor Perkins's letter makes me fear that I was too optimistic in this respect. To pass to more general considerations, I most earnestly desire good relations between the United States and my country, and I think it important that Americans should realise what an obstacle to such relations is created by authorised injustice. The cases of Oppenheimer and Lattimore did much harm in this respect, and even more has been done by the Rosenberg-Sobell case. It is not only for the sake of justice, but also for the preservation of Anglo-American friendship that I think a revision of Sobell's trial important. Such cases supply ammunition for Communist propaganda in Britain and Western Europe, and do far more than most Americans realise to help the Communist cause.

Mr Wade N. Mack points out the limitations to the legal powers of the F.B.I. Has he never heard the ancient crip "Quis custodiet custodes"? He goes on to say that he has never known a "thug" to work for the F.B.I. and has never known of the F.B.I. beating up anybody. This, I do not deny; but I think he might remember Dr Johnson's remark, "Sir, what you don't

know would fill a very large book." Mr Mack is mistaken in saying that I implicate the Mexican Government. On the contrary, it was not a party to the action against Sobell.

Mr Corliss Lamont, of the well-known American banking family, writes to me:

"I was much interested in the 'New York Times' story of March 27, giving a summary of your views on the Federal Bureau of Investigation. From my own personal experience I can assure you that you have not exaggerated the situation. Liberals and Radicals throughout the U.S.A. are fearful that the F.B.I. is tapping their phone, has installed a secret microphone in their living-room or car, opens their mail, or goes over the contents of their wastepaper basket. Because I have an independent income, I am not bothered by such possibilities as much as many other people."

Mr Robert H. Rose seems to object to my quoting facts which have never reached the public and to accuse me of some secret source of knowledge. My sources of knowledge were all in published material. There is a very full account both of the Rosenberg case and of the Sobell case in a large book called "The Judgment of Julius and Ethel Rosenberg" by John Wexley, published by Cameron and Kahn, New York. Mr Elmer Davis, the radio commentator, said after reading this: "Assuming that the record is here correctly cited (and I have no reason to suppose that it is not) I cannot believe the testimony of Elitcher and the Greenglasses, or much if any of that of Harry Gold." There is a brief summary in a leaflet called "The Facts in the Case of Morton Sobell," published by "The National Committee to Secure Justice for Morton Sobell," 1050 Sixth Avenue, New York 18. There is also a pamphlet called "U.S. Senator William Langer Asks Justice for Morton Sobell," and an informative pamphlet published by the same committee called "Atomic Scientist Harold Urey Asks Justice for Morton Sobell."

Dr Harold Urey, who is a Nobel Prize man of by no means Left-wing opinion, said: "The integrity of justice as it is administered in the United States is at stake... Mr Sobell was not properly tried and the verdict and sentence were not justified." Judge Patrick H. O'Brien, Detroit, Michigan, said: "In accordance with our inheritance as a liberty-loving nation I urge the immediate release of Morton Sobell." Perhaps when Mr Rose has studied these documents he will admit that my letter was not full of unsupported claims.

In conclusion, I cannot do better than offer him the advice which he so kindly offers to me, "that he re-examine his facts, review his paucity of knowledge of the case, re-evaluate his emotional fervour, restrain his crusading zeal, and rewrite his letter."

—Yours &c. BERTRAND RUSSELL.  
41 Queen's Road, Richmond,  
Surrey.

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H. ROSE.  
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ely piped shrill polemic,  
about the young F.B.I.  
ave known, and even  
dit Lord Russell's claim  
m remarks which were  
d to discredit him. This

Continued on next page



will be done to curb the F.B.I. planning might be made by the of Morton Sobell or, at least, a new trial of his case.—  
BERTRAND RUSSELL.  
Green's Road, Richmond,  
Surrey.

## Lord Russell's letter brought several replies. The following were cr Letters to the Editor THE CASE OF MORTON SOBELL

Editor of the Manchester Guardian  
The trial of the Rosebergs followed closely by everyone in the United States. When the trial was ended and the verdict delivered, it was not one faction or group or party of the public, with the exception of the Communist party, that did not believe that justice had been done. We look at the "facts" of the case or discuss the "American State," let me mention the limitations of the Bureau of Investigation. It was formed to aid the Government and the separate municipal and county law enforcement agencies (when they are helpful) in bringing to justice criminals whose activities were legitimate by nature. Further, it made use of scientific aids to criminology. In 1940 its field included the activities of those organisations which sought to destroy the United States within, under the same scope and conditions. I can point out the specific limitations of members of the F.B.I. They have no power of arrest and their activities are restricted to

the continental limits of the United States.

(3) They do not prosecute for the State, or hold any special position in a trial. They are called to testify as any citizen.

(4) They have no right of search.

(5) They may not initiate an investigation on their own.

They are not a police agency, but an investigating agency. I have never known a "thug" to work for them in any capacity. The agents must be, for the most part, university and law-school graduates. I have never known or heard of the F.B.I. "beating up" anybody.

But the "facts" of the recent letter not only implicate the F.B.I., but also the United States Bureau of Immigration, the Mexican Government, and the Federal Court System, who were in a vast conspiracy to thwart justice. I suggest that we submit the "facts" of the case to the observations above, and that we ask where the correspondent gained these "facts." The concluding half of the letter to which I refer does not justify any acknowledgment. Anyone who compares Nazi Germany and Communist Russia with the United States will not be dissuaded by a simple letter.—Yours &c.,  
WADE N. MACK,  
St Catherine's Society, Oxford.

To the Editor of the Manchester Guardian

Sir,—I was absolutely astounded to read, somewhat belatedly, the letter on March 26 from Lord Russell. Is it possible that such a thing could have been written by that great man? Surely with so much in this world which unhappily fails to meet his high philosophical standards he could find something better than the case of Morton Sobell for his crusading pen.

In any case he could do a better job of presenting his arguments. What, pray, does he use as a base for his purely emotional claim that Alcatraz is the "worst" prison in America? Personal experience? In actual fact Alcatraz is the "worst" prison in America solely from the standpoint of the prisoner who wishes to escape. I suggest to him that he makes a comparative tour of prisons both here and in America before he attempts to enlist support for a convicted criminal.

From this shameful beginning—for so acute a mind—Lord Russell goes on to quote facts which, so far as I am aware, have never reached public notice. Yet apparently he has some secret source of knowledge which he does not feel pressed to reveal. Where, for example, does he find the story that

Sobell was deported to told him thought it b at Sobell's presume to methods of

I count a stantial num or have be Bureau of only say intimate ex allegations dation but

It is curios plishments unsupported then go on of action— nothing mor tion and th histrionics. examine his of knowledg his emotionl crusading z

—Yours &c  
The Quak  
Buc

Note: All letters are reproduced as they appeared in The Manchester

### Additional letters in support of statement on the Sobell case

To the Editor of the Manchester Guardian

Sir,—The reactions of my American countrymen to Lord Russell's original letter on Morton Sobell are more alarming than the actual contents of that letter. Such over-righteous indignation comports ill with America's pride in its capacity for self-criticism. Some of your correspondents assume that criticism of the F.B.I. must be unfounded, must be merely anti-American, must be the result of falsifying and distorting some facts and inventing others. These things I find

blanket indictment of the "well-established technique" very similar to "Nazi atrocities." I question the accuracy of the first and absolutely deny the phantasmagoria of the second. The F.B.I. has been justly criticised on occasion, like all security services, but to compare it with the agents of "other police States" is simply fantastic, and a charge which furthermore, by implication, asserts that the Supreme Court and the Presidents and officials of both Democratic and Republican Administrations have been false to their oaths to uphold the Constitution. This charge I flatly reject, even when Lord Russell palliates President Eisenhower's guilt by making it guilt by ignorance.

Lastly, as to the effect of the letter which you published. I cannot imagine that Lord Russell seriously believes that such a shrill and distorted protest can serve any useful purpose as far as Sobell is concerned. His letter can only please those who welcome Anglo-American discord.—Yours &c.,  
BRADFORD PERKINS, Assistant  
Professor of History, Uni-  
versity of California, Los  
Angeles.

81a Coleherne Court, Old  
Brompton Road, London  
S.W. 5

Editor of the Manchester Guardian  
It is perhaps presumptuous for an American to challenge an aged Englishman like Lord Russell. I myself would admit, on occasion, not only that the language of your letter published by you on March 26 was intemperate, but also that I had overstated his case. I do so with all due deference to his earned reputation, that he has done more than that. I think that his letter represents McCarthyism in

as to the Sobell-Rosenberg case I frankly admit that I have not read the entire record, as Lord Russell has. But I have followed the case closely and discussed it with a number of various political persuasions. None would agree that "official secrets" had been committed, nor can I imagine that Sobell was convicted on the evidence of Elischer alone. The sentences given in this case are harsh, not that the verdicts were not the utmost that I think a non-Communist liberal would admit. As to the rôle of the F.B.I. in the Sobell case, it is not as easily dismissed as charges in this instance to a

# The Lord Russell Debate

## ON THE CASE OF MORTON SOBELL

From the "Letters to the Editor" column  
of the Manchester Guardian,  
INFLUENTIAL BRITISH NEWSPAPER

and Bertrand Russell, eminent philosopher and mathematician,  
initiated an international discussion on the case of Morton Sobell,  
when he wrote the following letter published in the Manchester  
Guardian on March 26, 1956:

### Letters to the Editor

#### THE SOBELL CASE

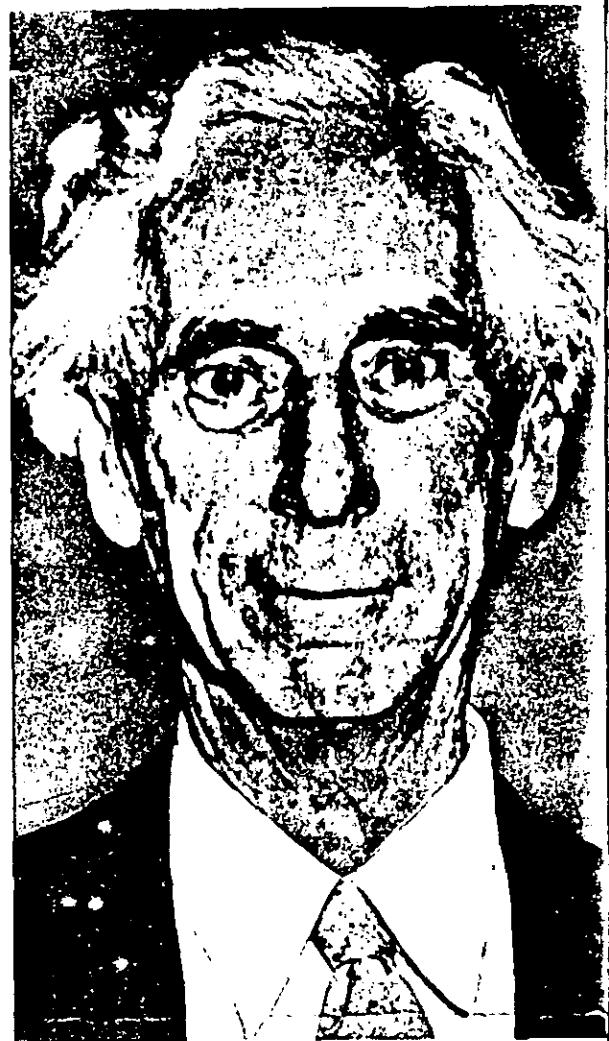
Editor of the Manchester Guardian  
I am writing to enlist your  
aid in the case of Morton Sobell,  
a recent man condemned as a result  
of a hysterical hysteria to thirty years in  
prison and at present incarcerated in  
Alcatraz, the worst prison in the United  
States. He was sentenced as an accomplice  
of the Rosenbergs in espionage.  
I am ashamed to say that at the time  
of the Rosenbergs' trial I did not look  
for evidence. I have now done so.  
I am almost certain that the Rosenbergs  
were innocent and quite certain  
that the evidence against them would  
never have been considered adequate if  
the Rosenbergs had not been involved. But  
the Rosenbergs are dead and nothing  
can be done for them now except to  
bring their official murderers to  
justice. Sobell, however, is alive and  
it is too late for the United States  
Government to make some reparation

in his case are briefly as  
follows: He had a friend named  
Ellitcher, who had been his best man.  
Ellitcher had stated on oath that he had  
been a Communist. The F.B.I.  
insisted that in making this state-  
ment he had committed perjury. They  
knew that he could escape  
prison if he would denounce other  
people as accomplices in treasonable  
acts. He decided to save his own  
skin by denouncing his best friend.  
While negotiations in this  
case were going on between him and  
the F.B.I., Sobell and his wife and  
two small children went to  
Mexico. Sobell toyed with the idea of  
returning to the United States, but  
he refused. His decision to return  
was known to the F.B.I., which had  
been told to present him as a fugitive  
in justice. In order to be still able  
to see his family, they hired  
a doctor who beat him into unconscious-  
ness and his wife and their

two children into fast cars, and drove  
them without stopping from Mexico  
City to the United States frontier.  
There they were handed over to an  
immigration officer, who falsely  
stamped their card of entry with the  
words "Deported from Mexico"  
although the Mexican Government had  
not been privy to the kidnapping and  
had expressed no intention of  
deporting them.

When Sobell was brought to trial these  
facts were not mentioned as his counsel  
considered that any criticism of the  
F.B.I., however justified, would only  
increase the severity of his sentence,  
his condemnation being regarded by  
his counsel as certain in spite of lack  
of evidence. The judge instructed the  
jury that they could not find Sobell  
guilty unless they believed Ellitcher.  
Ellitcher, because he was useful in this  
trial, has never been indicted for his  
acknowledged perjury and, in spite of  
his being known to be a perjurer, every  
word that he said against Sobell was  
believed.

People express scepticism when it is  
said that most Germans did not know  
of Nazi atrocities, but I am sure that  
the immense majority of Americans  
are quite ignorant of the atrocities  
committed by the F.B.I. They do not  
know of the standard technique of  
these defenders of what, with cynical  
effrontery, they still call "The Free  
World." The technique is one with  
which we have been made familiar in  
other police States such as Nazi Ger-  
many and Stalin's Russia. The police  
find a man whom they can prove to  
be guilty of some offence and they  
promise him immunity if he will  
manufacture evidence against people  
who could not otherwise be indicted.  
Perjury is especially useful as a lever  
because many people who have been  
Communist in their student days rashly  
hope that this can be concealed and  
swear that they were never Commu-



LORD BERTRAND RUSSELL

nists. After a sufficient number of  
secret interviews the F.B.I. descends  
upon innocent people with a posse of  
terrified perjurers and in the general  
hysteria every word uttered by the  
perjurers is accepted as gospel truth.

I do not suppose for a moment that  
President Eisenhower is aware of this  
well-established technique. If he knew  
of it, he would not only feel the  
revulsion which all decent people must  
feel, but would realise that every such  
case which becomes known outside the  
United States turns hundreds of thou-  
sands of people, if not into Communists,  
at least towards neutralism and away  
from the policy of N.A.T.O. For this  
large reason of public policy, as well  
as from motives of humanity and  
justice, it is to be hoped that some-

Continued on next page DDDD

of the above record, the sentence pronounced  
ON SOBELL by Judge Kaufman is almost incredible.  
With the ROSENBERGS he prosecuted an appeal to  
the United States Court of Appeals for the Second Cir-  
cuit. His opinion of that court affirmed judgment of  
Judge FRANK, although Circuit Court Judge JEROME FRANK  
in his opinion that MORTON SOBELL was entitled  
to a new trial on the ground that the evidence estab-  
lished two separate conspiracies: (a) Con-  
spiracy between ROSENBERG and SOBELL to solicit and ob-  
tain SCHER'S aid in espionage activities and to send  
engineering and fire control information to Eu-  
rope; (b) Conspiracy between ROSENBERG, GREENGLASS and  
SOBELL to obtain atomic information from Los Alamos to Rus-  
sia, in which conspiracy no one, and no evidence,  
was involved; Judge Frank held that try-  
ing SOBELL even remotely; Judge Frank held that try-  
ing SOBELL jointly with defendants charged with another  
conspiracy, with which he had no connection was grave  
error. His two colleagues on that Court dis-  
agreed with him. The Supreme Court never passed upon  
the merits of the case, because it has steadfastly refused to  
exercise jurisdiction of the case. SOBELL faces thirty  
years in jail because one judge of the Circuit Court of  
Appeals does not agree with the theory propounded by  
Judge FRANK.

One of the great tragedies of this case, name-  
ly, is a case of this highly controversial nature,  
where the evidence is so insufficient, where the court-  
room atmosphere are so inimical to the de-  
velopment of the possibility of a fair trial has been  
seriously impaired, nevertheless the Supreme Court  
has passed upon the case, refuses even to consider  
the record. And the press, and the commentators,  
in the name of the public misled by them, cry that  
Morton Sobell has had a fair trial and consideration by  
the Court!

Do not allow our interest to lag, nor our desire  
for an unfortunate fellow being grow cold. In a  
case where MORTON SOBELL has suffered an even greater in-  
justice than his fellow defendants, since we all concen-  
trate understandably, on the ROSENBERG case. The SO-  
bells is just as vital. The condemnation of an in-  
nocent man to a living death of thirty years, the de-  
struction of his family, the martyrdom of his courageous  
wife, factors which no American, no man with a human  
heart can ignore. We must continue, both in the courts  
and in the streets, to demand executive clemency, and by un-  
remitting search for further evidence, to attempt to un-  
derstand what is wrong! When public opinion resumes its nor-  
mal course, when the witch hunt is over, when nor-  
mal returns, America will thank us for our efforts, I  
am sure.

.....

The Supreme Court has thus far refused to review the  
case of Julius Rosenberg and Morton Sobell.  
Justice Black, one of a minority of three Supreme Court  
Justices who had voted in favor of review, has stated  
succinctly: "This Court has never reviewed  
this case and has never affirmed the fairness of the

Morton Sobell, co-defendant with the Rosenbergs, a  
young father of two children, has been condemned to  
thirty years in Alcatraz. He swears he is innocent.  
His appeal for a new trial is before the Supreme Court.

There is important new evidence in the Sobell case,  
material never reviewed in the courts. Can America let  
Morton Sobell spend thirty years of his life in Alcatraz  
without having his full day in court? In the interest  
of justice and mercy let there be a new trial for Morton  
Sobell.

WRITE OR WIRE TODAY TO:

(1) Attorney General Herbert Brownell, Washington, D.C.  
Ask for the transfer of Mr. Sobell from his harsh im-  
prisonment at Alcatraz to a regular federal penitentiary  
which will permit visits by his children and normal con-  
sultation with his counsel.

(2) Senator William Langer, Chairman, Senate Judiciary  
Committee, Washington, D.C. Ask that his Committee grant  
the request for an investigation of the conduct of the  
Attorney General's office in the Rosenberg-Sobell Case.

Chicago Rosenberg-Sobell Committee  
410 South Michigan Avenue - Room 534  
Chicago 5, Illinois

( ) Enclosed please find \$\_\_\_ for \_\_\_ additional copies  
of this brochure @ 5¢ a copy. (35 copies for \$1.00)

( ) Enclosed is my contribution of \$\_\_\_ to help de-  
fray legal expenses in the Sobell case and bring the  
facts in the case to the American public.

( ) I request additional information on the Sobell  
case.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_



other witness against SOBELL, namely, MAX  
kewise attended high school and then college  
up to 1938. He testified that in 1939 he  
had a conversation in regard to the Communist  
that ultimately he joined a cell of the Com-  
in Washington at SOBELL'S suggestion, and  
etings of that cell for two or three months  
1939, and until 1941; that he continued to  
of the Communist Party until 1948, one group  
being known as the Navy Branch. He testi-  
fied further about membership in the Communist  
said that he met SOBELL again in 1947 at the  
ument Plant in New York where SOBELL asked  
new of students who could be approached con-  
donage and obtaining classified material.

ess further testified that during the week  
abor lay in 1944, he had a conversation with  
that SOBELL was angry when he heard that  
had mentioned his name; that SOBELL was em-  
the General Electric Plant in Schenectady in  
then inquired of the witness whether there was  
in material available as to his work; that  
suggested or "implied" that the witness was to  
ERG about espionage business in 1946; that in  
he met SOBELL at the Sugar Bowl Restaurant,  
the witness whether his wife knew about the es-  
siness, and also asked the witness whether he  
SOBELL know of any engineering students who  
"pressive"; that in June, 1948, he told SOBELL  
was leaving the Bureau of Ordnance, and that  
ked him to do nothing about that until he had  
el, and ROSENBERG, subsequently to which SOBELL  
a meeting between the witness and ROSENBERG;  
that meeting SOBELL and ROSENBERG both tried to  
him to stay at the Bureau of Ordnance because  
needed someone to work at that Bureau for es-  
urposes, but that the witness adhered to his  
tion to leave Washington.

ness finally testified that in July or August,  
n he was driving from Washington to SOBELL'S  
New York, he was followed by two cars and that  
told SOBELL this the latter was angry; that  
ked him to go with him to deliver a 35 millime-  
can to ROSENBERG and that they drove to the  
hood of the Journal American Building, where  
out of the car; that when SOBELL returned he  
that ROSENBERG was not concerned about ELITCH-  
ing been followed, and that he also admitted  
had once talked to ELIZABETH BENTLEY, but said  
had not recognized his voice; the last time  
ess talked to SOBELL was in June, 1950.

regoing testimony was the only evidence against  
it served as the basis for the thirty year sen-  
it was not corroborated by another witness; it  
y from the lips of ELITCHER who readily admitted  
knew that he had committed perjury in 1947 in  
s for a government position, in executing a loy-  
th and in concealing the fact that he was then a  
st; when he was interrogated about the instant  
the F.B.I. in 1950, they told him that they knew  
a Communist, and he was then fearful that he  
e prosecuted by the United States government for

ew of the weakness of the evidence against SOBELL,  
aturally ask yourself why he was found guilty.  
ere several answers to that:

**FIRST:** Apparently in reliance upon their conviction  
that there was not enough evidence to justify a convic-  
tion, counsel for SOBELL did not permit him to take the  
stand; that was a mistake, as it now appears;

**SECOND:** The presiding magistrate showed his convic-  
tion as to the defendant's guilt from the start; he dem-  
onstrated that before the jury; at over a hundred places  
in the record appears the evidence of his aid to the  
government and its witnesses and his obvious hostility  
to the defendants and their counsel;

**THIRD:** The government introduced evidence to show  
that SOBELL and his family had escaped to Mexico and  
stayed in a number of places under variations of the  
name "SOBELL"; since he did not take the stand, SOBELL  
gave no explanation of his flight, and that undoubtedly  
prejudiced him before the jury; worse than that, the  
jury was not given any evidence as to the manner in  
which he had been kidnapped by the Mexican police, with-  
out process, and had been turned over to the F.B.I. at  
the border; although the government must have known  
that it was false, it introduced a card made by an Immi-  
gration Inspector at the time SOBELL was forcibly re-  
turned to the United States, which card read "Deported  
from Mexico"; since he did not take the stand, SOBELL  
was not able to give the jury the facts to show that he  
had been kidnapped from Mexico rather than being depor-  
ted;

**FOURTH:** The government was allowed to introduce evi-  
dence as to the activities of the Communists in the U-  
nited States upon the theory that such activities would  
show the motives of these defendants as Communists; once  
that door was opened, the cause of the defendants, in-  
cluding SOBELL, was sunk; the first witness on the Com-  
munist issue was HARRY GOLD, a self-confessed spy, serv-  
ing a thirty-year sentence, who would some day be apply-  
ing for parole. He had a Roman holiday on the witness  
stand, relating alleged activities of the Communists  
with which the defendants were in no wise connected; as  
a matter of fact, he never even knew either SOBELL or  
the ROSENBERGS; that this created an atmosphere and a  
prejudice against the defendants which they could not  
possibly overcome is undeniable; upon the issue of Com-  
munism another witness was our old friend, the ubiquitous  
ELIZABETH BENTLEY, who was allowed to testify at great  
length about her own Communist activities, though she  
knew none of the defendants and never even mentioned  
SOBELL'S name.

Well, you ask me -- and your friends ask you -- if  
this case was so patently full of holes, why did not the  
Circuit Court of Appeals reverse a conviction based upon  
that evidence? Even lawyers ask me that. The answer is  
simple. In the Federal Judicial system, unlike the  
practice in most of the state courts, the Circuit Court  
of Appeals, that is the court of review, "is not allowed  
to consider the credibility of witnesses or reliability  
of testimony. Particularly in the Federal Judicial sys-  
tem, that is the jury's province"; Mr. Justice Frank's  
opinion in behalf of the Circuit Court of Appeals:  
(p. 1648).

Why that rule has become so well established in the  
Federal Court is hard to say. History has not infre-  
quently shown juries to have been dead wrong. But in  
the Federal judicial system, the verdict of a jury, how-  
ever induced by fear, or hysteria or prejudice, if ap-  
proved by the very trial judge who probably impel  
that verdict, can never be set aside on the ground  
it was based on false or unreliable testimony.

year sentence imposed upon MORTON SOBELL is upon the reputation of American justice. The is unprecedented in its severity; it has no on in the evidence; it is obviously the prod- eria rather than representing a calm reasoned it has aroused the protest of well-inten- le the world over;

the characterization of MORTON SOBELL as a or as an "atomic spy," the record in his case devoid of justification for either appella- LL was neither indicted nor tried for treason.

ctment upon which SOBELL was tried jointly S and ETHEL ROSENBERG -- which indictment was ary 31 1951, -- charged them with having con- ANATOLI A. YAKOVLEV, DAVID GREENGLASS, RUTH and HARRY GOLD (the last two of whom were not to deliver to a foreign government, the Soviet ween June 6, 1944, and June 16, 1945, while d States was at war, certain documents, sketches, notes and information relating to al defense of the United States, with intent to believe that it would be used to the ad- the Soviet Union; there was no charge that ould be harmful to the United States.

on of counsel for SOBELL, the United States led to file a list of the overt acts charge- st SOBELL, which list consisted of nothing but sive conversations between SOBELL and JULIUS (betwee) January, 1946, and May, 1948.

ctment as drawn by the United States attorneys ROSENBERGS, the GREENGLASSES, MORTON SOBELL, and YAKOVLEV as co-conspirators. The attor- full well that they had not the slightest trying the case as against one of them, YAKOV- ad left the country a number of years ago, and full well that they had no intention of trying st HARRY GOLD, who was already in the Federal ry as a spy; they named those people as co- rs for only one purpose. The conduct of the cated what that purpose was. They relied upon ne, which perhaps is a matter of necessity in all jurisdictions under the common law, that establish a conspiracy among half a dozen per- a common objective, that thereafter anything of them says or does pursuant to the apparent of the conspiracy is binding upon the others r reference to whether the others knew what said or done specifically or approved the say- ng of it specifically. The government notion YAKOVLEV as a co-conspirator, when they knew e back to Russia some years back, was thereby e door, so that while piously on the one hand uished presiding magistrate frequently cau- jury that these people were not being tried Communists, yet that distinguished magistrate, ther land, permitted the opening of the door hich anything about alleged Communist activi- is country was allowed to enter the case even was not related to the ROSENBERGS or to SOBELL est stretch of the imagination.

utset, it may be stated without fear of con- that despite the fact that the gravamen of ment was the delivery of the documents, writ- ches, notes and information relating to our efense, nevertheless, not a single witness nor was there a scrap of paper, to the effect

that SOBELL had delivered anything to anybody at any time relating to our national defense. As a matter of fact, with the exception of the witnesses who testified to SOBELL's alleged flight to Mexico, there were but two witnesses who even mentioned the name of SOBELL, namely, MAX ELITCHER and WILLIAM DANZIGER.

However, even the characterization of DANZIGER as a witness against SOBELL is an act of supererogation, since his only testimony was that he and SOBELL had at- tended high school together, had graduated from the same class of the College of the City of New York in June, 1938, had thereafter also worked together for some years at the Bureau of Ordnance of the Navy Department in Washington; that DANZIGER visited SOBELL at his home in Flushing, Long Island, in May, 1950, when he told SOBELL that he was in the electrical business and had asked SOBELL for the address of JULIUS ROSENBERG, who, as SOBELL told him, was in the machine shop business, it being the witness' idea that he might give ROSENBERG some machine shop work. The witness also testified that SOBELL told him that he was leaving for a vacation in Mexico in June, 1950, and when the witness came to his home, the SOBELL family was packing to leave and were going to Mexico City. He further testified that some time later, he received a letter from SOBELL from Mexico City, the return address on which was M. SOWELL, the letter containing a letter to be forwarded to his sis- ter-in-law, Edith Levitov, and to his parents. The re- turn address on this letter being that of M. LEVITOV.

Despite the fact that the defendants were not indicted on the charge of being Communists, nor on the charge of treason, the United States Attorney, in his very opening statement introduced the charge that the loyalty and allegiance of the defendants "were not to our country, but that it was to Communism. Communism in this country and Communism throughout the world," and referred to them as "traitorous Americans" guilty of "traitorous activities" and "treasonable acts." Remember, please, that none of the defendants had been indicted on the charge of treason.

When the defendants objected to the introduction of the element of Communism, upon the ground that the de- fendants were not on trial for being Communists, the trial judge held that that inquiry was proper as going to the motive of the defendants to commit the acts charged against them; the United Circuit Court of Ap- peals held that he was correct in that ruling. The trial judge went on to caution the jurors that they were "not to determine the guilt or innocence of a defendant on whether or not he is a Communist." I submit that such a performance by a trial judge may be legally sound, but in the long run is one of those amiable hypocrisies of the law. It represents one of those rules which the law feels necessary but which the seeker for justice finds practical rather than just. In these days, repeat- edly to call a defendant in a criminal case a Communist and then expect him to get a fair trial before a jury simply because the trial judge directs the jury to dis- regard that charge is naive, if not directly insincere. The warning to the jury to disregard a particular charge is, as stated by no less a personage than Mr. Justice Jackson of the Supreme Court, in *Krulewitch v. United States*, 336 U.S. 440, (1,650) but "an empty ritual with- out any practical effect on the jurors." It is largely on the basis of such repeated "empty rituals" that the defendants were convicted.



**the**

*the search for justice goes on*

# **Sobell** **Case**

**an analysis by**

**STEPHEN LOVE**

*Professor of Law,  
Northwestern University*

b7d

*issued as a public service by*

**CHICAGO ROSENBERG-SOBELL COMMITTEE**

*410 South Michigan Avenue, Room 534 • Chicago 5, Illinois • WEbster 9-5992*

# REMEMBER THE ROSENBERGS... JUSTICE FOR MORTON SOBELL

729

Dear Friend:

Do you remember the night of June 19, 1953? It was the night when Ethel and Julius Rosenberg, still maintaining their innocence, went to their death in Sing-Sing -- Ethel with a kiss on a matron's cheek. If you were one of the millions who appealed for clemency for the Rosenbergs, if you were one of the millions who cried out at the savage sentence imposed upon them -- will you take a moment to read this letter?

This June 19 marks one year of death for the Rosenbergs. It marks one more year spent in Alcatraz by their co-defendant Morton Sobell. And it marks a year of continuous activity by the Rosenberg-Sobell Committee to vindicate the Rosenbergs' name -- to win a new trial for Sobell -- and to bring the truth in the case to the American people.

Today, as June 19 approaches, McCarthy and McCarthyism, out of which the Rosenberg-Sobell case was born, are for the first time being put on the defensive. As the American people get a glimpse into the sordid activities of McCarthy's chief counsel Roy Cohn, they can be persuaded to look into the Rosenberg-Sobell case in which Cohn was one of the chief prosecutors.

Within the next few months we plan to issue a film on the case, to conduct a campaign to win Sobell's removal from Alcatraz until a new trial is granted him, to support new legal steps, to schedule new ads, books, pamphlets, leaflets -- to use every conceivable means to reach the hearts and minds of the American people.

The paper upon which these truths will appear, the raw film that will be transformed into drama, the research upon which our legal moves are based must be paid for -- by the funds you make available.

If June 19 and the Rosenbergs still burn in your heart like a wound... if you still remember Ethel's dying kiss... please give as much as you can so that their unconquerable truth may go marching on.

Checks may be made out to Sarah Lichtenberg.

Sincerely,

*Joseph Brainin*      *David Alman*

Joseph Brainin      David Alman  
For The Committee

Committee To Secure Justice For Morton Sobell In The Rosenberg Case  
Joseph Brainin      1050 6th Ave.  
Danie G. Marshall      New York 18, N. Y.  
Co-Chairmen      LONGacre 4-9585

*"The integrity of justice as it is administered  
in the United States is at stake."*

*—Dr. Harold C. Urey*

**atomic scientist**



**DR. HAROLD C. UREY**

**asks justice for**



**MORTON SOBELL**

York Times

# ROSENBERG TRIAL

Verdict Was  
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Sobell

12—Dr. Harold  
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Chicago American  
NO—Sun., Feb. 13, 1955

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they were executed. Dr. Urey  
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 States was at stake, Dr.  
 Urey said:  
 "If proper trials cannot be se-  
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 it is evident from the publicity of  
 this trial that all those charged  
 with crimes were unpopular—then  
 it will become impossible to  
 secure justice for other some-  
 what less unpopular people and  
 so on until no justice is possible  
 at all."  
 Dr. Urey spoke at a testimo-  
 nial dinner given him by the Chi-  
 cago Sobell committee. The Chi-  
 cago group is a unit of the Na-  
 tional Committee to Secure Jus-  
 tice for Morton Sobell.  
 The integrity of the United States  
 is at stake, he said; the danger  
 of a life and death struggle  
 going on between these w  
 and I am convinced tha  
 tually destroys the life

## Integrity Of Justice At Stake, Says Urey

Harold C. Urey, Nobel Prize-  
scientist, told a dinner

his honor he de-  
integrity of justice, as it is ad-  
ministered in the United States,

Urey said he is "of the  
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justified."

Text of an address by Dr. Harold C. Urey, atomic sci-  
entist and Nobel Prize winner, at a testimonial dinner  
given in his honor by the Chicago Sobell Committee  
on Feb. 12, 1955, Hotel Hamilton, Chicago, Ill.

Naturally I am pleased that so very many good people  
have seen fit to honor me this evening. Also, I am  
pleased that Mrs. Sobell should present this scroll to me  
and thank her for her very kind words. But in a certain  
way the honor is of minor importance to me, certainly  
very minor as compared to other things associated with  
the activities of this evening.

As I am sure you all know, this occasion was organ-  
ized from the beginning by people who believe, with  
me, that the Rosenberg-Sobell trial was not in the best  
tradition of American justice. I hope my friends who  
signed this scroll understood this.

I have not been personally acquainted with either the  
Rosenbergs or the Sobells. I am not unmindful of the  
terrible tragedies that have come to their lives and am  
very sorry about these matters, but my concern with this  
trial has stemmed more from a belief that the integrity  
of justice, as it is administered in the U. S., is at stake.  
If proper trials cannot be secured for unpopular people  
—and it is evident from the publicity of this trial that all  
those charged with crimes were unpopular—then it will  
become impossible to secure justice for other somewhat  
less unpopular people and so on until no justice is pos-  
sible at all.

The power of our government is very great and it can  
afford to be just because of that great power. But there  
is an illness in this country since the war from which we  
will surely recover in time. This illness arises from a  
sense of insecurity and this sense of insecurity is due to  
the loss of our natural security barriers, namely: the  
Atlantic and Pacific Oceans. Our danger from foreign  
foes is now greater than it has ever been before in our  
history. This danger comes from the long range effec-  
tiveness of the aeroplane, as a carrier of powerful  
military weapons and to the existence in the world of a  
powerful revolutionary country, whose rulers do not  
accept the fundamental concepts of our way of life.  
There is a life and death struggle going on between  
these ways of life and I am convinced that each group  
is really determined to eventually destroy the other.  
I am in favor, as we all are, of the preservation of our  
way of life and I am sure that we will win in the long  
run and hope that the war stays cold.

### Sobell Trial Hit by Urey

CHICAGO, Feb. 12 (AP)  
Harold C. Urey, Nobel

prize-winning physicist, said today that the trial of Julius and Ethel Rosenberg and their brother, Albert, was "not properly conducted."

Urey, a pioneer in development of the atom bomb, also criticized the government's use of "professional" informers and the statements of Harvey Matusow that he gave false testimony as an ex-Communist.

Urey spoke at a testimonial dinner given in his honor by the Chicago Sobell Committee at the Hotel Hamilton here tonight.

Dr. Urey  
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 Sunday night in the Harr  
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 justified."

concern with our basic security as a country has  
 by people, often in high places, to look for a  
 goat, that is, an easy way to solve our difficulties.  
 scape goat has been spying, espionage agents, sub-  
 in government. I do not condone such agents,  
 all communists and all communist sympathizers  
 quietly die, the fundamental insecurity of this  
 would be the same as it is now. This very well  
 concern for our security in a modern, dan-  
 world has led us to do things which will under-  
 our way of life, our form of government, our  
 s. This is my primary concern in this matter. I  
 this dinner and this scroll as a means of fight-  
 angle of hysteria, one bad case of injustice, as

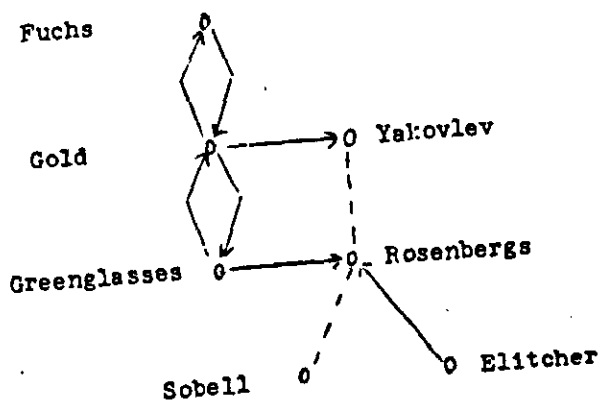
are many things of this kind, such as: the  
 Lattimore hearings, Condon's clearance problems,  
 more case, passport problems, visa problems,  
 do not do anything about some of these things  
 use of lack of energy to do so or because many  
 people have protested them. Perhaps the most  
 feature of many of these procedures is the  
 use of the professional informer by the De-  
 of Justice and Congressional Committees. Re-  
 of these informers, Mr. Matusow, has stated  
 has given false testimony and has accused Mr.  
 Cohn of complicity, which Mr. Cohn has de-  
 as specific accusation reminds one that Mr.  
 assistant prosecuting attorney in the Rosen-  
 all case. However, I warn you all that, in my  
 communists, reformed communists and re-  
 formed communists are not particularly reli-  
 not believe that they are reliable when they  
 Cohn nor when they accuse Mr. Lattimore  
 they accuse Mr. Sobell. Yet I am of the  
 after study of the record, that Mr. Cohn's side  
 story is incorrect and that Mr. Sobell was not  
 tried and that the verdict and sentence were  
 ed.

not separate the discussion of Mr. Sobell from  
 of the Rosenberg case. In fact, one finds  
 to understand what the evidence was against  
 —for it was certainly far less important than  
 st the Rosenbergs. In fact, the great concern  
 latter generally obscured the interests of  
 wish to give you a brief outline of the case for  
 many of you are not acquainted with the case  
 aeral structure. Being a scientist, I have made  
 of the case which enables me to understand  
 ships.

The alleged conspiracy is represented by the diagram  
 (Fig. 1). In this diagram an arrow pointing from indi-  
 vidual A to individual B means that A testified that he  
 had contact on espionage matters with B. No such arrow  
 means that the individual denies such contact or there is  
 no testimony. A broken line means assumed contact but  
 no evidence or only indirect evidence. Gold admitted  
 that he gave information to Yakovlev, but Yakovlev  
 escaped from the U. S. and was not apprehended. Gold  
 and Fuchs both admit contact. The Greenglasses admit  
 that they gave information to Gold and that they re-  
 ceived \$500 from Gold which he said he received from  
 Yakovlev. The money was accounted for in the Green-  
 glass' bank account. They agreed that they matched the  
 pieces of the gelatin box top. Gold said he received his  
 half from Yakovlev. The Greenglass portion was in  
 Mrs. Greenglass' hand bag. They say that they received  
 this from Rosenberg and that the division of the gelatin  
 box top occurred in the Rosenberg apartment. The guilt  
 of the Greenglasses and Gold was agreed to by all three.  
 The Rosenbergs denied dividing the gelatin box lid or  
 giving it to the Greenglasses.

The Greenglasses say that they gave information to  
 the Rosenbergs and that they were recruited into espio-  
 nage by the Rosenbergs. The Rosenbergs denied this,  
 and denied that they had anything to do with espionage  
 of any kind. They maintained that their contacts were  
 the normal relations of in-laws. (Mrs. Rosenberg was  
 David Greenglass' sister). Elitcher and Sobell were col-  
 lege acquaintances of Rosenberg. Elitcher testified that  
 he and Rosenberg discussed espionage several times, al-  
 though he maintained that he and Rosenberg never

FIGURE 1



from Yakovlev. The Greenglasses had the other half they said they received from Rosenberg. On Rosenberg gave the other half to Yakovlev who in turn gave it to Gold. But, suppose Yakovlev had the lid and gave one half to Gold and the other half to Mrs. Greenglass. In this case Rosenberg is unnecessary. Also, the Greenglasses can tell a realistic tale of the division by substituting the names for Yakovlev. In fact, the inclusion of the Rosenbergs in the conspiracy makes no sense at all. They are unnecessary unless Julius was, indeed, the head of a spy ring, and the proof of the existence of such a ring is non-existent up to the present time. If only the Rosenbergs had confessed! But we are reasoning in a circle. The Rosenbergs were unnecessary to the plot. They could have been only another point where the espionage effort could have been discovered.

only states that they talked espionage without ever doing any. Well, one should not talk espionage and if they had been given five years at Lewisburg, we might think justice had been done—that is, if you believe the testimony. I do not believe the testimony.

On such a basis, two people have been executed and one is in prison for 30 years on Alcatraz. And where are the surely guilty ones? One, David Greenglass, is in Lewisburg for 15 years. Two others, Ruth Greenglass and Max Elitcher, have never been indicted and tried.

Would it not be a wonderful trick for the communists if they could get innocent people sent to the electric chair and imprisoned for 30 years and get guilty ones set free or given moderate sentences? This is exactly what I think has occurred. This is one point to which the current hysteria has carried us.

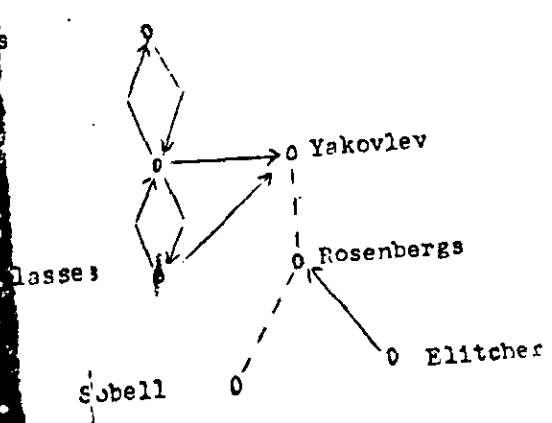
**MOTIVES**

Elitcher had committed perjury and at the time of his testimony had not been indicted, tried and sentenced. He has not been so indicted or tried since. Had he been sentenced, no matter to what term, at the time of his testimony he would still have been anything but a reliable witness. I do not trust communists nor ex-communists nor perjurers, and I am sure that this view is shared by many others. But when pressure is put on such people, I trust them to do whatever they think necessary to get themselves out of their difficulties, especially when wives and children are involved. Surely Elitcher was tempted to give the testimony that the government wished to have.

The Greenglasses have admitted to a crime for which the maximum penalty is death. It is a custom in the United States to give consideration in sentencing a criminal to the degree of co-operation which he has given to the law enforcement authorities during the preparation and prosecution of the case. I suppose that criminals are advised of this situation by their attorneys or in other ways. At the time of the trial, David Greenglass had been indicted and was on trial but had not been sentenced, and the sentence could have been death. Ruth Greenglass has never been indicted and she was not a defendant in the trial. David Greenglass was given a 15 year prison sentence. It seems to me that the hope of lenient treatment must have constituted a motive for co-operation with the prosecution.

But "cooperation" is not synonymous with perjury and accusation against innocent people. Or is it? Does it

FIGURE 2



where this diagram leaves the Rosenbergs and both are completely out of the atomic espionage now we ask what did they do? Even the confessor's testimony, except for the one overt act,

depend on what the facts are? If the Greenglasses' was Yakovlev and not the Rosenbergs (see the revelation of this fact would have given government nothing since Yakovlev was in Russia. takes place in a criminal's mind when he is and the electric chair appears in his dreams? I don't know, but it seems likely to me that both the Greenglasses would have confidently expected 30 year terms if they had admitted that their contact was with Yakovlev or some other agent of the U.S.S.R.

I ask why the prosecuting attorney and the judge should wish to see two insignificant people die unjustly. After considerable conversation with lawyers on this subject, including one who was on the government side of the case, I conclude that lawyers are more interested in the law than in

justice. Mostly they are interested in whether all the legal machinery functions according to all the rules, and are not in the least interested in the argument presented in this paper. There are exceptions, of course, as for example Professor Stephen Love and Professor Sharp, who helped the defense during the last weeks of the case without remuneration once he believed that a serious miscarriage of justice had occurred. However, it is my belief that the prosecution believed the Rosenbergs guilty. Once having believed the Greenglass account and having based the prosecution on this it would be difficult to adopt another point of view later. In fact, people do not allow themselves to be convinced that they have made such a horrible mistake as I believe has occurred. Once the government adopted this theory of the case, all concerned with it were trapped and were forced to continue to believe it.

## CONCLUSION

I do not review in a talk of this kind all the details of the case. This is better done by lawyers anyway. I comment on Professor Love's statement on the case and on Professor Sharp's book on the subject. But also a word in defense in presuming to say anything about the case. We have public trials in this country. The purpose of this surely is not to provide a Roman holocaust substitute for a gladiatorial combat; but this is the idea that each of us can judge the conduct of the case. This means that you and I have the right to criticize the court, the jury, the prosecution, the defense, and the government about it. In criticizing this case, I am exercising certain rights that were mine at birth and I wish to retain them until death. We all of us have the right to express our opinion in regard to these matters and mine do not differ in regard to this case.

I wish to make a statement in regard to a remark that has come to me from a number of scientists. Essentially, "Well, if you only knew what I know, you would rather, mostly, 'if you only knew what someone else knows about the case!'" The inference is that much secret information exists that proves the case but for security reasons, it cannot be made

public. My answer to that is that I do not believe this inference and do not believe people should be executed and imprisoned on secret evidence. I have discussed this question with a man, who saw some of the secret data at least. He says that Greenglass' paper looked to be genuine and that it contained valuable information. I have accepted this as fact, but does a paper tell you to whom the paper was given? My reply to these insinuations has been just as I have said above. There has been no answer to them. Before I accept these statements they must be told publicly so that we all can judge them.

I have been interested in this case and shall be interested in other similar cases because of my concern for the integrity of justice in this country. It is better to review a case in which we believe injustice has been done than to wait for the next one, when further injustice may occur. Will you not all try to do something about this series of doubtful trials or quasi judicial procedures that threaten our security as individuals living in a great free country.

I thank you all again for this dinner and scroll.



*Helen Sobell, wife of Morton Sobell, presents Dr. Urey with a bound volume of some 6,000 scrolls signed by prominent persons throughout the world honoring Dr. Urey for his achievements as a scientist and contributions as a citizen.*



National Committee to Secure Justice for Morton Sobell  
1050 Sixth Ave., New York 18, N.Y. LO 4-9585

September 22, 1955.

Dear Friend:

John Wexley's "The Judgment of Julius and Ethel Rosenberg" is an historical document which not only completely demolishes the case against the Rosenbergs and Morton Sobell, but remains a classical exposition of the anatomy of frameup for all time. It is a book which should and must be in the hands and minds of thousands of Americans.

Already, this book, placed in evidence, freed a defendant in Dayton, Ohio, who had been indicted for perjury by a Federal Grand Jury, as a result of the perjured testimony of Harry Gold, a witness against the Rosenbergs and Sobell. After the questioning of Gold from the facts in Dr. Wexley's book, the Federal jury considered Gold's testimony as incredible and rejected it.

We urge you to buy the book and buy others to place in the hands of influential citizens whose knowledge of the facts can be helpful in restoring Morton Sobell to his rightful place in society.

We ask you to participate with us in our Assembly for Justice at Carnegie Hall, September 29th, 1955 at 8 P.M. This gathering represents the national issue which the Sobell case is. Among the speakers are United States Senator William Langer; the outstanding novelist and essayist Waldo Frank; John F. Fierty, the legal defender of Sacco and Vanzetti and Tom Mooney, and a member of the board of the American Civil Liberties Union; and Warren T. Billings, the co-defendant with Tom Mooney, later pardoned by Governor Olson of California.

Tickets are available at \$1.25. We hope to see you there.

Thank you for your help and cooperation.

Sincerely,

*Aaron Schneider*

Aaron Schneider  
FOR THE COMMITTEE

# E. Nation

27, 1955

## An American Tragedy

JUDGMENT OF JULIUS  
ETHEL ROSENBERG. By  
Wexley, Cameron and Kahn.

by Carey McWilliams

AS the essential tragedy of the Rosenberg Sobell case that the American public never received a clear, unclouded statement of the facts, and the strange sequence of events that took place before the trial. This was not exclusively the fault of the press nor can it be explained in terms of mass hysteria. The defense felt a great deal to be said. Then, too, some of the facts did not come to light until long after the trial. The factual pattern, however, was inherently complex; not easy then, it is not easy now to get a clear view of the case. Mr. Wexley, in this mammoth 672-page book, has tackled the case in the right way, namely, by giving the reader a skillfully narrated account of the events during the trial. In his view, the trial was an "empty ritual," the nub of the case consisting in the manner in which it unfolded. Part I, therefore, is devoted to lengthy accounts of the principal participants: Harry Gold, the "green glasses," the Rosenbergs, Morton Sobell, Max Elitcher. Chapters 2-4 make it much easier for the reader to understand what happened at the trial. As a further aid to understanding, Wexley has an introductory chapter in which he explains — and most cogently — why it is that tragedies like the Rosenberg-Sobell case are compounded of many elements: a tentative and reluctant defendant; coincidences, and tenuous, circumstantial evidence; half-truths and omissions; elaboration and ambiguity; innuendoes, insinuations, and innuendoes; carefully dropped hints and suggestions; "piling it on" or "blowing it up" or "adding glosses to" or "prolonged and exhaustive interrogations; self-entrapment; suggestion of "motive" and "intent"; and, finally, actual collusion. It is Wexley's careful analysis of this complex pre-trial factual situation and of the trial itself, in the light of this theory, that enables him to provide the reader with a clear, unclouded account of the case, and to send the reader — somewhat excited, I must admit — puts the case down with the feeling that he has been exposed to the facts and distances of a grim and complex human tragedy.

MR. WEXLEY makes no pretense of being neutral or dispassionate. But one does not need to accept as valid all the inferences, theories, and conclusions which he urges in order to be convinced, in the end, that the conviction of the Rosenbergs and Sobell, in Harold Grey's phrase, failed to meet the standards of American justice. There are large recurrent doubts about aspects of the case which grow more disturbing with the passage of time and Mr. Wexley's shrewd reading of the testimony reawakens and confirms many of these doubts. I have not been able to check the author's references to the record against the actual transcripts; it would take an entire summer to make the comparison. Two key phrases of the testimony, however, suggest the nature of his analysis.

Consider, for example, the strange case of the self-confessed spy, Harry Gold. In the trial of a man named Brothman, who was convicted of conspiring to obstruct justice shortly prior to the Rosenberg trial, Gold was on the stand for nearly five days. Not only did he freely confess that he had lied but it was clearly established that he had fabricated a mythical or fantasy existence for himself which had no relation to reality. "I had become so tangled up in this web of lies," he said, "that it was easier to continue telling an occasional one than to try and straighten the whole hideous mess out . . . It is a wonder that steam didn't come out of my ears at times." Yet, strange as it may seem, Gold was not cross-examined in the Rosenberg-Sobell case and the jury never learned of the pattern of pathological dishonesty in the Brothman case. Even stranger is the fact that the judge who presided at the Rosenberg trial and the prosecutor who conducted it had occupied the same roles in the Brothman trial and were familiar with Gold's testimony in that case. Incidentally there was about this Brothman case and everything connected with it a strange air of unreality. For example, it is doubtful if a crime was actually committed; Brothman's conviction would appear to have been based on a series of delusions which Gold skillfully projected and artfully maintained. Even more interesting is the circumstance that the judge who sentenced Gold, in the case based on his voluntary confession of espionage, had obvious misgivings about the confession. Mr. Wexley's account of what happened in court when

Judge James P. McGranery, who later became Attorney General, passed sentence on Gold (pp. 72-77), makes interesting reading.

Even more convincing than his analysis of Gold's testimony is Mr. Wexley's account of the testimony of Max Elitcher. It will be recalled that the direct evidence against Morton Sobell derived solely from the testimony of Elitcher. Apart from the fact that Elitcher was "on the hook" for having previously falsified an affidavit, his testimony is inherently incredible. Elitcher, we are told, was a member of a group of conspirators engaged in espionage. But a more futile conspiracy it would be difficult to imagine. The conspirators may have conspired but what they did in furtherance of the conspiracy is not clear. Four years elapsed from Elitcher's initial recruitment and still nothing happened. No documents were stolen or photographed, no files were rifled, no plans were purloined. Moreover, we are asked to believe that Elitcher was induced to enter this dangerous conspiracy after only five or six minutes' conversation with a man that he had not seen for six years.

THE testimony of both Gold and Elitcher is vital to the structure of the story upon which the guilt of the Rosenbergs and Sobell depends. But the more one ponder's their testimony, the more one is impressed by Mr. Wexley's statement that the trial was a political prosecution, staged in a fear-ridden atmosphere in which the guilt of the defendants was taken for granted from the moment they were arrested.

In a recently published study, Nicholas Halasz points out that the Dyefus case was "a nightmare dreamed during a nightmare." The Rosenberg-Sobell case has the same quality.

There is little reason to believe that this book, which is not likely to be widely reviewed although it should be, will produce any immediate change in American opinion on the case, the national verdict remains the same. But the popular verdict of the future may not be the same as the popular verdict of the cold-war years. Recognition that the handling of the Rosenberg-Sobell case, from its inception to the unseemly haste with which the final motions were disposed of, did not measure up to the standards of American justice will come slowly, painfully, one phase at a time, as the nightmare of fear and suspicion out of which it emerged is finally dispelled. "The sense of right," India's philosopher states in U. R. Rao's introduction to his work, "is the most prominent thing that marks America's history."

ISSUED AS A PUBLIC SERVICE  
BY

## An Innocent Man Is In Alcatraz

Morton Sobell, an American scientist, is in Alcatraz, in his sixth year of imprisonment. The charge was "conspiracy to commit espionage." Morton Sobell has maintained his absolute innocence from the day of his arrest, as did his co-defendants, Ethel and Julius Rosenberg.

Dr. Harold C. Urey, atomic scientist and Nobel Prize winner, stated, "Sobell's sentence of thirty years at Alcatraz is completely out of line with any evidence of wrongdoing which the government believed to present. In fact, I do not know what he did do."

The trial of Morton Sobell was staged in a fear-bidden atmosphere in which the innocence of the defendants was taken for granted from the moment they were arrested. The nightmare of fear and suspicion which was part of the hysteria of the past years is now lifting as a result of the Geneva conferences. America cannot be free and at peace so long as American justice is in doubt. All Americans who wish for a better America must do their best to right this great wrong to Morton Sobell.

# ASSEMBLY for JUSTICE For Morton Sobell

## CARNEGIE HALL

### September 29th, 1955

at 8 p. m.

Among the speakers are:

**WILLIAM LANGER**

United States Senator

**WALDO FRANK**

Novelist and Essayist

**JOHN F. FINERTY**

Eminent Attorney

Defender of Sacco and Vanzetti

**WARREN K. BILLINGS**

Co-Defendant in Mooney Case

Tickets at \$1.25 may be obtained  
at the box office or at

New York Committee for Justice for Morton Sobell  
1050 Sixth Avenue • New York 18, N. Y.

Longacre 4-9585

What John Wexley's Book  
Can Do for America...

- It will help free Morton Sobell from the living death of Alcatraz, where he is completing the 5th year of the 30-year sentence pronounced by Judge Kaufman.
- It will help make known the truth about the most important political trial of our generation and vindicate the Rosenbergs.
- It will help restore America to the path of reason and justice by illuminating the entire era of false witnesses and fraudulent trials.

**We ask you not only to BUY this book  
... We ask you to SELL it!**

THE JUDGMENT OF JULIUS AND ETHEL ROSENBERG is not only exciting reading, but also MUST reading for you, for each of your acquaintances, and for important leaders in your community. So that millions of people may learn the facts revealed in this book, everyone with a passion for justice must become a distributor of this giant among books.

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Note: Checks may be made payable to the SOBELL COMMITTEE or to SARAH LICHTENBERG.

# The Judgment of Julius and Ethel Rosenberg

by John Wexley



JACKET DESIGN  
BY ROCKWELL KENT

## THE JUDGMENT OF

## JULIUS AND ETHEL ROSENBERG,

published by Cameron and Kahn, will surely be considered the classic, definitive work on the world-important case with which it deals.

Author John Wexley, in relentlessly probing the Rosenberg-Sobell case, has interviewed scores of participants, traveled the same routes which the key prosecution witnesses said they traveled, and checked and double-checked every aspect of their stories. He has sifted the personalities and psychological motivations of every major character. As a result, he has uncovered important new evidence of fraud and perjury in the prosecution's case against the Rosenbergs and Morton Sobell.

He has woven all this together with painstaking documentation, dramatic impact and suspense. Mr. Wexley writes with the combined qualities of a dramatist, a legal authority, an historian, a political analyst, a psychologist, and an expert investigator.

John Wexley's whole creative life was a preparation for this book, for he has always been profoundly concerned with the problems of justice. His first play, *THE LAST MILE*, a study of capital punishment, had a foreword by Warden Lawes of Sing Sing attesting to its authenticity and significance. His play, *THEY SHALL NOT DIE*, dramatized the Scottsboro frame-up. As author of the screen play, *CONFESSIONS OF A NAZI SPY*, he investigated methods of espionage.

*THE JUDGMENT OF JULIUS AND ETHEL ROSENBERG* is a brilliant analysis of the case and a meaningful reflection of our times which generations of readers and scholars will turn to in years to come.



JOHN WEXLEY

The author has written this book so that every reader will be in a position to analyze and evaluate the evidence and thus assume the role of a juror in the case. The reader-juror will find answers to such questions as the following:

- What pressures and fears drove a brother to send his own sister to her death, and made a man send his best friend, Morton Sobell, to a living death of 30 years in Alcatraz?
- What were the pathological phantasies admitted at a previous trial by Harry Gold which were never revealed to the Rosenberg jury?
- Why has the general public been led to accept the authenticity of Dr. Klaus Fuchs as the foremost atomic spy, solely on his own confession—that of a self-styled “controlled schizophrenic”?
- How was the guilt-by-association evidence of the ubiquitous Elizabeth Bentley utilized to provide political “motive” even though it never connected the Rosenbergs and Sobell with the crimes charged?
- Why was testimony admitted as evidence against the Rosenbergs from a photographer who was later exposed as a perjurer in a sworn affidavit by an FBI agent?
- What were the roles of Prosecutor Saypol and his “confidential assistant,” Roy M. Cohn, and what went on before the trial between the prosecution and the attorney for the principal government witnesses?
- How did *United States* officials illegally arrange for Mexican “deportation” of Morton Sobell?
- Why did the *Columbia Law Review* state that “the rights of the Rosenbergs did not receive the precise and extensive consideration that must characterize the administration of the criminal law”?
- And why did Justice Hugo Black declare that the Supreme Court of the United States had “never reviewed the record of this trial and therefore never affirmed the fairness of this trial”?







YOU, WHO LOVE LIFE  
Have a Date with 3,000 Friends on May 26th

A day together dedicated to Justice for Morton Sobell.....In Tribute to Ethel and Julius Rosenberg..... To share their love of "peace, bread and roses, and children's laughter".

Sobell Committee

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SUNDAY, MAY 26, 1957

13,000 passenger modern steamer

\* Special Activities  
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Steamer "John A. Meseck" leaves 10 a.m. from Battery Park Landing.....Passengers may also board at 125th Street pier at 10:30 a.m.....Steamer returns from Bear Mountain at 5 p.m.

Adult Fare (round-trip)...\$2.50 (tax incl.)  
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# The Case of Morton Sobell

Prisoner of the Witch-hunt

b7d

Why does the government refuse to grant Morton Sobell a new trial? Defense lawyers have documented proof that the prosecution knowingly used perjured testimony to convict him.

Only the uncorroborated testimony of one man, Max Elitcher, a paid and rewarded government witness, sent Sobell to the doom of 30 years in Alcatraz. The trial took place during the height of the McCarthyite witch-hunt hysteria. World renowned public figures like Harold Urey, the Nobel Prize winning atomic physicist, have called for a new trial.



speakers

## Myra Tanner Weiss

Socialist Workers Party 1956 candidate for vice-president

## Helen Sobell

Wife of Morton Sobell and leading fighter for his freedom.

ALSO--

"Was Justice Done?"

a film of the outstanding events in the case will be shown.

SUNDAY, APRIL 14 7:30 P.M.

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# THE Nation

27, 1955

## An American Tragedy

JUDGMENT OF JULIUS  
 ED ETHEL ROSENBERG. By  
 Wexley. Cameron and Kahn.

by Carey McWilliams

AS the essential tragedy of the  
 Rosenberg-Sobell case that the Amer-  
 ican public never received a clear  
 and simple statement of the facts,  
 and the way in which the case  
 and the strange sequence of  
 events that took place before the  
 courts. This was not exclusively the  
 fault of the press nor can it be en-  
 tirely explained in terms of mass hys-  
 teria. The defense left a great deal to  
 be desired. Then, too, some of the  
 facts did not come to light until  
 long after. The factual pattern,  
 however, was inherently complex;  
 it was not easy then—it is not easy  
 now—to get a clear view of the case.

Mr. Wexley, in this mammoth  
 volume (672 pages), has tackled the  
 case in the right way, namely,  
 by giving the reader a skillfully  
 conducted account of the events  
 during the trial. In his view, the  
 trial was an "empty ritual," the nub  
 of the case consisting in the manner  
 in which it unfolded. Part I, there-  
 fore, is devoted to lengthy accounts  
 of the principal participants: Harry  
 Gold, the Greenglasses, the Rosen-  
 bergs, Morton Sobell, Max Elitcher.  
 The chapters make it much easier  
 for the reader to understand what  
 happened at the trial. As a further  
 aid to understanding, Wexley has  
 included an introductory chapter in  
 which he explains—and most con-  
 vincingly—why it is that tragedies  
 like the Rosenberg-Sobell case are  
 compounded of many ele-  
 ments: tentative and reluctant half-  
 confessions and tenuous cir-  
 cumstantial evidence; half-truths and  
 omissions; elaboration and em-  
 phasis; nuances, insinuations, and  
 innuendoes; carefully dropped hints  
 and suggestions; "piling it on" or  
 the technique of adding glosses to  
 the story; prolonged and exhaus-  
 tive interrogations; self-entrapment;  
 the suggestion of "motive" and  
 "intent"; and, finally, actual collu-  
 sion. It is Wexley's careful analysis  
 of this complex pre-trial factual situ-  
 ation and of the trial itself in the  
 light of this theory, that enables him  
 to provide the reader with a clear

and satisfactory account of the case.  
 I must admit—some might ex-  
 cept—putting down with the feeling that he  
 has been exposed to the facts and  
 the substance of a grim and complex  
 American tragedy.

MR. WEXLEY makes no pretense of  
 being neutral or dispassionate. But  
 one does not need to accept as valid  
 all the inferences, theories, and con-  
 clusions which he urges in order to  
 be convinced, in the end, that the  
 conviction of the Rosenbergs and  
 Sobell, in Harold Urey's phrase,  
 failed to meet the standards of Amer-  
 ican justice. There are large recur-  
 rent doubts about aspects of the case  
 which grow more disturbing with  
 the passage of time and Mr. Wexley's  
 shrewd reading of the testimony  
 reawakens and confirms many of  
 these doubts. I have not been able  
 to check the author's references to  
 the record against the actual trans-  
 script; it would take an entire sum-  
 mer to make the comparison. Two  
 key phases of the testimony, how-  
 ever, suggest the nature of his  
 analysis.

Consider, for example, the strange  
 case of the self-confessed spy, Harry  
 Gold. In the trial of a man named  
 Brothman, who was convicted of  
 conspiring to obstruct justice shortly  
 prior to the Rosenberg trial, Gold  
 was on the stand for nearly five days.  
 Not only did he freely confess that  
 he had lied but it was clearly estab-  
 lished that he had fabricated a  
 mythical or fantasy existence for  
 himself which had no relation to  
 reality. "I had become so tangled  
 up in this web of lies," he said, "that  
 it was easier to continue telling an  
 occasional one than to try and  
 straighten the whole hideous mess  
 out . . . It is a wonder that steam  
 didn't come out of my ears at times."  
 Yet, strange as it may seem, Gold  
 was not cross-examined in the Rosen-  
 berg-Sobell case and the jury never  
 learned of the pattern of pathologi-  
 cal lying to which he had confessed,  
 as a witness, in the Brothman case.  
 Even stranger is the fact that the  
 judge who presided at the Rosen-  
 berg trial and the prosecutor who  
 conducted it had occupied the same  
 roles in the Brothman trial and were  
 familiar with Gold's testimony in  
 that case. Incidentally there was  
 about this Brothman case and every-  
 thing connected with it a strange air  
 of unreality. For example, it is  
 doubtful if a crime was actually  
 committed; Brothman's conviction  
 would appear to have been based on  
 a series of delusions which Gold skill-  
 fully projected and artfully main-  
 tained. Even more interesting is the  
 circumstance that the judge who  
 sentenced Gold, in the case based on  
 his voluntary confession of espionage,  
 had obvious misgivings about  
 the confession. Mr. Wexley's account  
 of what happened in court when

Judge James P. McGranery, who  
 later became Attorney General,  
 passed sentence on Gold (pp. 72-77),  
 makes interesting reading.

Even more convincing than his  
 analysis of Gold's testimony is Mr.  
 Wexley's account of the testimony of  
 Max Elitcher. It will be recalled that  
 the direct evidence against Morton  
 Sobell derived solely from the testi-  
 mony of Elitcher. Apart from the  
 fact that Elitcher was "on the hook,"  
 for having previously falsified an  
 affidavit, his testimony is inherently  
 incredible. Elitcher, we are told, was  
 a member of a group of conspirators  
 engaged in espionage. But a more  
 futile conspiracy it would be diffi-  
 cult to imagine. The conspirators  
 may have conspired but what they  
 did in furtherance of the conspiracy  
 is not clear. Four years elapsed from  
 Elitcher's initial recruitment and  
 still nothing happened. No docu-  
 ments were stolen or photographed,  
 no files were rifled, no plans were  
 purloined. Moreover, we are asked  
 to believe that Elitcher was induced  
 to enter this dangerous conspiracy  
 after only five or six minutes con-  
 versation with a man that he had  
 not seen for six years.

THE testimony of both Gold and  
 Elitcher is vital to the structure of  
 the story upon which the guilt of the  
 Rosenbergs and Sobell depends. But  
 the more one ponders their testi-  
 mony, the more one is impressed by  
 Mr. Wexley's statement that the trial  
 was a political prosecution, staged in  
 a fear-ridden atmosphere in which  
 the guilt of the defendants was taken  
 for granted from the moment they  
 were arrested.

In a recently published study,  
 Nicholas Halasz points out that the  
 Dreyfus case was "a nightmare  
 dreamed during a nightmare." The

Rosenberg-Sobell case has the same  
 quality.

There is little reason to be-  
 lieve that this book, which is not  
 likely to be widely reviewed al-  
 though it should be, will produce  
 any immediate change in American  
 opinion on the case; the national  
 verdict remains the same. But the  
 popular verdict of the future may  
 not be the same as the popular ver-  
 dict of the cold-war years. Recogni-  
 tion that the handling of the Rosen-  
 berg-Sobell case, from its inception  
 to the unseemingly haste with which  
 the final motions were disposed of,  
 did not measure up to the standards  
 of American justice will come slowly,  
 painfully, one phase at a time, as  
 the nightmare of fear and suspicion  
 out of which it emerged is finally  
 dispelled. "The sense of right,"  
 India's philosopher-statesman C. R.  
 Rajagopalachari has written, "is the  
 most prominent thing that marks  
 America's history."

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 Committee to Secure Justice for Morton Sobell  
 940 Broadway, New York City, N. Y.

In other cases involving "ordinary espionage" (non-atomic) and tried under the same act, under which Sobell was charged, the maximum sentence given was 10 years.

## REMOVAL FROM ALCATRAZ

From the day of his arrest Morton Sobell has been under constant pressure from the Attorney General's office to "cooperate." But instead of making a false confession, Morton Sobell has persisted in efforts to win a new trial. On Thanksgiving Day, 1952, while legal moves were under way, Morton Sobell was abruptly transferred to Alcatraz penitentiary, 3,000 miles from his family and attorney.

Alcatraz was established as a maximum security prison for the isolation of repeated offenders and troublemakers who are considered a menace at regular federal prisons. For its severe restrictions Alcatraz has earned the reputation of being America's "Devil's Island." In Alcatraz, Morton Sobell is not permitted visits by his children. His wife can visit only once a month. Even then, they see each other only through a small glass panel and talk through telephones.

America by tradition abhors and distrusts confessions secured through "third degree" methods. Yet Morton Sobell remains in Alcatraz as a special prisoner of the Attorney General's office. He is under constant pressure to bear false witness against others as a price of his release.

## FOR JUSTICE

We believe that justice can be done in this case only by Sobell's removal from Alcatraz, and by a new trial that will examine recent evidence of perjured testimony against the defendant. Supreme Court Justice Black has pointed out that the Supreme Court has never reviewed the case.

Efforts to win a new Sobell trial are continuing. Meanwhile, the voice of fair-minded Americans can end the torture of Alcatraz for Morton Sobell.

Will you join the thousands who are writing letters urging that Mr. Sobell be removed from Alcatraz to a regular federal prison?

Letters should be addressed to:

James V. Bennett, Director of Prisons  
Justice Department  
Washington, D. C.

Other facts and the full trial record are available at:

SAN FRANCISCO SOBELL COMMITTEE  
1122 Market St. San Francisco  
1417 Valencia Street  
San Francisco 10, Calif.

Labor donated



## the FACTS in the case of MORTON SOBELL

MORTON SOBELL is not an ordinary prisoner. There is nothing ordinary about the circumstances of his arrest . . . his trial . . . his 30-year prison sentence . . . his continued imprisonment in Alcatraz.

Mr. Sobell was a co-defendant in the same trial with Ethel and Julius Rosenberg. The charge was "conspiracy to commit espionage." Morton Sobell, like the Rosenbergs, maintained his absolute innocence from the day of his arrest.

The main conspiracy charge in the trial concerned the atomic bomb. But Trial Judge Irving Kaufman admitted to Mr. Sobell in court: "The evidence in the case did not point to any activity on your part in connection with the atomic bomb project." Yet Morton Sobell was sentenced to 30 years.

Dr. Harold C. Urey, atomic scientist and Nobel prize winner, who studied the trial transcript, stated: "Sobell's sentence of 30 years at Alcatraz is completely out of line with any evidence of wrong-doing which the government was believed to present. In fact, I do not know what he did do."

There is a widespread belief that Morton Sobell is a tragic victim of the hysteria surrounding what the *Columbia Law Review*, a distinguished law journal, has called the "outstanding 'political' trial of this generation"\*

## THE BACKGROUND

Morton Sobell was born and raised in the Bronx, New York. He was graduated as an electrical engineer from the City College of New York, where he was a classmate of Julius Rosenberg. He received a Master of Science degree from the University of Michigan. During World War II, he turned down an important study fellowship and chose instead to work at a job that would contribute to the

\**Columbia Law Review*. The Rosenberg Case: Some reflections on Criminal Law (Vol. 54, p. 219, No. 2, February, 1954)

On June 22, 1950, Mr. Sobell and his family went to Mexico as tourists. This is shown by the American airlines passenger list and by their tourist cards. In Mexico, Morton Sobell first read of the arrest of Julius Rosenberg on charges he believed to be "absurd." The arrest of his former classmate climaxed a whole series of developments which made Morton Sobell fearful that freedom was being destroyed in the United States. Mr. Sobell, who had been a vigorous supporter of Franklin D. Roosevelt's New Deal policies, was alarmed at the growing restrictions on scientists, the contempt citations, the dismissal of federal employees on "disloyalty" charges, the firing of teachers, the Smith Act trials, and other attacks on the civil liberties of anyone who dared exercise his right of dissent.

Mr. Sobell became one of many Americans abroad who considered avoiding the growing hysteria by remaining abroad. He began making inquiries about places where he and his family might go, sometimes using different names in doing so. However, Mr. Sobell and his wife talked over the matter. "We realized," he said, "that our ties to home were too strong, that we owed it to everyone to return to help combat the repressive tendencies from which we had contemplated staying away and sitting it out."

The Sobell family got the vaccinations required of tourists for re-entry into the United States and arranged for passage home.

## THE KIDNAPPING

On Aug. 16, 1950, as the Sobells were having dinner in their apartment in Mexico City, their home was invaded by armed men who claimed to be Mexican police. They had no warrant, and accused Sobell of robbing a Mexican bank. They insisted he accompany them. Mr. Sobell asked to be allowed to call the American Embassy, but was dragged from his home, beaten into unconsciousness and driven away. His wife and children were also seized.

According to the *New York Times* of Aug. 18, 1950, Mexican immigration officials stated that agents of the Mexican secret police delivered Sobell directly to the FBI, without consulting their government. Sobell and his family were taken across the border to Texas. U. S. papers carried the headline: "ATOM SPY CAUGHT FLEEING IN MEXICO."

## THE PROSECUTION'S CASE

One of the chief prosecutors against Mr. Sobell was Roy Cohn, who later became Senator McCarthy's right hand man and has since been thoroughly discredited. The only specific charges listed against Mr. Sobell were that he had five "conversations" with Julius Rosenberg. No reference was made to what was supposed to have been said in the conversations. At the trial itself, the conversations were never once mentioned.

During the trial, which took place during the Korean War, the prosecution claimed: that Morton Sobell was a Communist and therefore had a predisposition

**COMMUNISM**—As for the prosecution's claim that Mr. Sobell was a communist and therefore likely to be a spy, the Philadelphia branch of the American Civil Liberties Union commented: "It was contended that since the Communist Conspiracy included atomic espionage, Sobell was implicated in espionage. His trial and subsequent sentencing on this basis constitutes a dangerous extension of the concept of 'Conspiracy,' whereby a defendant does not have to be linked with any specific conspiracy."

D. N. Pritt, the famed British attorney, said: "In truth, in the atmosphere of the time and place of the trial, the mere accusation of membership in the Communist Party was presumably so prejudicial that, once it was made, the chances of a fair trial were greatly diminished."

**TRIP TO MEXICO**—When one country has criminal evidence against one of its citizens abroad, it can legally extradite that citizen. The kidnapping of Morton Sobell, which the prosecution did not deny in the trial, revealed a lack of sufficient evidence to extradite him legally. But by kidnapping Mr. Sobell, just as he was preparing to return home, the prosecution created the impression that he was a fugitive. The *Columbia Law Review* said that had the question of Sobell's kidnapping been litigated, "Sobell may have prevailed with the argument that a judgement cannot stand when jurisdiction is obtained through federal officers' violation of the anti-kidnapping law." (Vol. 54, p. 233) The Belgian League for the Rights of Man has called the kidnapping a violation of international law.

**CONSPIRACY**—No documentary evidence connecting Sobell to a conspiracy was ever introduced in the trial. There was only the testimony of one witness, Max Elitcher, a neighbor and former classmate of Mr. Sobell at City College. Elitcher made his statements to the FBI against Mr. Sobell months after Elitcher was first questioned and four months after Mr. Sobell's kidnapping. In the trial Elitcher admitted that he had committed perjury in another matter and feared a perjury indictment that could bring him a five-year sentence.

In his charge to the jury, Judge Irving Kaufman said: "If you do not believe the testimony of Max Elitcher as it pertains to Sobell, then you must acquit the defendant Sobell."

The *Columbia Law Review* stated: "As the trial progressed, it became clear that the vast bulk of testimony would concern the alleged acts of the Rosenbergs in stealing atomic information. Nevertheless, the life or freedom of the defendant Morton Sobell was also at stake, and though he was not shown to have been involved in atomic espionage, his case was undoubtedly caught up in the powerful surge of these revelations." (Vol. 54, p. 228)

Appeals Judge Jerome Frank, (in a minority opinion) said that the jury should have been permitted to consider the case of Morton Sobell separately.

## SOBELL'S SENTENCE

Morton Sobell, who pleaded innocent, was sentenced to 30 years by Judge Kaufman.

## BAY AREA-WIDE MEETING JANUARY 16

Every friend and every member of each Sobell Committee in the Bay Area is invited to hear the latest news of the Sobell case and to help crystallize our program at an enlarged general membership meeting, 8 pm, Wednesday, January 16 at 417 Valencia Street, San Francisco.

To be discussed: current status of the Sobell appeal; Warren K. Billings' letter

to Bay Area, Los Angeles and New York trade union leaders asking their signatures on the appeal to President Eisenhower; U. S. Senator William Langer's scheduled talk at a February 22 dinner in his honor, sponsored by the L.A. Sobell Committee; our drive for \$3,000 by April.

Don't miss this first meeting of the year!

### FUND-RAISING IDEAS — OUR GOAL: \$3,000

Showings of the new narrative filmstrip "Was Justice Done"...A musical... weekend breakfasts and lunches...

These are a few suggested ways to raise urgently needed funds for the current legal and public campaigns on behalf of Morton Sobell. A goal of \$3,000 by April, with each Bay Area Sobell Committee accepting responsibility for a specific portion of the total, was recommended and approved by the Dep. Council meeting.

A different type of fund-raising event for each month is suggested, with perhaps "Breakfasts for Sobell Month," a "Sustainers for Sobell Month," a "House Gatherings for Sobell Month." The documentary filmstrip on the Rosenberg-Sobell case, recently arrived from New York, could be shown at these affairs.

Proceeds will help support Sobell's appeal now in the courts and make it possible to bring the case to thousands more people through the tabloid newspaper and other literature.

### COURT TO HEAR ORAL APPEAL

Morton Sobell's attorneys will appeal orally to the U. S. Court of Appeals in New York late this month or early in February.

The oral appeal will support the written appeal, which went before the court in December.

The appeals answer the arguments Judge Kaufman made in denying Sobell's hearing. They show that the prosecution bolstered a shoddy case with perjured testimony and manufactured evidence to picture Sobell's vacation trip to Mexico as a flight from justice.

### WARREN K. BILLINGS ASKS UNIONISTS OF SAN FRANCISCO, LOS ANGELES, NEW YORK TO SIGN APPEAL

Chairman Warren K. Billings has drafted a letter to Bay Area, Los Angeles and New York trade union leaders, asking their signatures on the national appeal for President Eisenhower's intervention in behalf of Morton Sobell.

### DISHWASHER GIVES \$1,000 SAVINGS TO DRIVE FOR SOBELL

A San Francisco dishwasher gave \$1,000 of money he had saved for his old age to help free Morton Sobell.

In a letter enclosing his check, he told Mrs. Helen Sobell: "I have been a working man all my life. While my earnings have not been large I have always tried to help causes that would help the working man. Over the years I have saved some money so that in the near future when I cannot work my later years would not be too lean.

"I'm doing what I am because I think your husband's freedom and vindication would lead to a future far brighter and fuller for myself and others..."

Mrs. Sobell replied: "I know now as I have never known before the depth of feeling and support that comes from the hearts and minds of others who love Morton for the noble stand that he has taken..."

### HOUSEWARMING FEBRUARY 2

Kickoff event in a series of parties to help raise \$3,000 by April will be a housewarming Saturday night, February 2, at Dr. Gene Eagle's new apartment, 5 Piedmont Street at the corner of Masonic, Apt. 3.

There'll be entertainment and refreshments, including potato pancakes.

Come and bring your friends.

New signatures to the appeal will be announced at the L.A. Sobell Committee's February 22 dinner for U.S. Senator William Langer.

In his letter Billings says: "Some of you may remember the Mooney-Billings case of 40 years ago. I am the same Warren K. Billings who was unjustly imprisoned for 28 years with Tom Mooney..."

"Labor has long been dedicated to the task of preserving honest justice for all, for unless we preserve that standard, none of us is safe from false accusation and unjust imprisonment. It was only through the fight made for us by Labor that Mooney and I finally won our release. It is with this in view that I call your attention to the case of Morton Sobell, who has been unjustly sentenced to 30 years in Alcatraz prison on a false charge of 'conspiracy to commit espionage.'

".....Join in the fight for justice for Sobell by sending a resolution to the President asking for his release, or add your signature to the enclosed appeal signed by so many eminent Americans..."

Billings' letter to the trade unionists will spark a renewed drive for signatures of West Coast community leaders to the national appeal.

Issued by  
Bay Area Council of Sobell Committees,  
1417 Valencia St., S.F.  
4th 2-0432



APPEAL TO THE PRESIDENT

President Dwight D. Eisenhower  
The White House  
Washington, D.C.

Dear Mr. President:

It is because we share your deep concern for the spiritual health of our nation and for the principles of justice upon which it is founded that we address ourselves to you concerning the case of Morton Sobell.

Morton Sobell, now in his seventh year of imprisonment and confined in Alcatraz, is seeking a new trial to reverse his 30-year sentence on a charge of "conspiracy to commit espionage." Both he and his defenders maintain that he is innocent. Moreover, the trial record shows that the judge in passing sentence stated: "The evidence in the case did not point to any activity on your (Morton Sobell's) part in connection with the atomic bomb project."

We do not press upon you, Mr. President, the question of Morton Sobell's innocence or guilt--for we ourselves are not of the mind on that issue. Our faith in our democratic system of justice assures us that the truth will ultimately be established.

We believe it is vital that our nation safeguard its security, and it is important that we do not permit this concern to lead us astray from our traditions of justice and humanity. In this light, we further believe that Morton Sobell's continued imprisonment does not serve our nation's interest or security.

Therefore, most respectfully and earnestly, Mr. President, we ask you to exercise your executive authority either by asking the Attorney General to consent to a new trial for Morton Sobell or the granting of Executive Pardon or Commutation. We take the liberty of urging your personal attention to this matter.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_

My signature may be made public along with other signers of the appeal.  
I request that my signature be \_\_\_\_\_

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- Rabbi Ben Zion Bergman, Burbank, Calif.
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ote:

The following have signed as individuals. Their associations are listed as means of identification only, and do not imply the sponsorship of their organizations.

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- Robert L. Brook, Los Angeles, Calif.
- Brandon L. Chapman, Chicago, Ill.
- Prof. Thomas I. Emerson, Yale Law School, New Haven, Conn.
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- Allan Frankel, Los Angeles, Calif.
- Judge Norval K. Harris, Sullivan, Ind.
- Robert W. Kenny, former Attorney General of California, Los Angeles, Cal.
- Philip A. Klapman, Chicago, Ill.
- Harold V. Knight, executive director Denver Branch ACLU, Denver, Colo.
- Conrad Lynn, New York, N.Y.
- Daniel Marshall, Los Angeles, Calif.
- Louis McCabe, Philadelphia, Pa.
- Judge Patrick H. O'Brien, Detroit, Mich.
- George Olshousen, San Francisco, Calif.
- Richard W. Petherbridge, El Centro, Calif.
- Prof. Malcolm Sharp, University of Chicago Law School, Chicago, Ill.
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- Rev. Reginald H. Bass, Community Church, Brooklyn, N.Y.
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- Rev. W. Sterling Cary, The Church of the Open Door, Brooklyn, N.Y.
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- Rev. Irving E. Putnam, Methodist Church, Minneapolis, Minn.
- Rev. Daniel Lyman Ridout, administrative secretary, Baltimore Area, The Methodist Church, Baltimore, Md.
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INVESTIGATION

Bureau File Number

Serial No.



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1 Helen Sobell  
2 Mrs. Sobell's mother (?)



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#2



#4



#5





#6





# 7



# 8





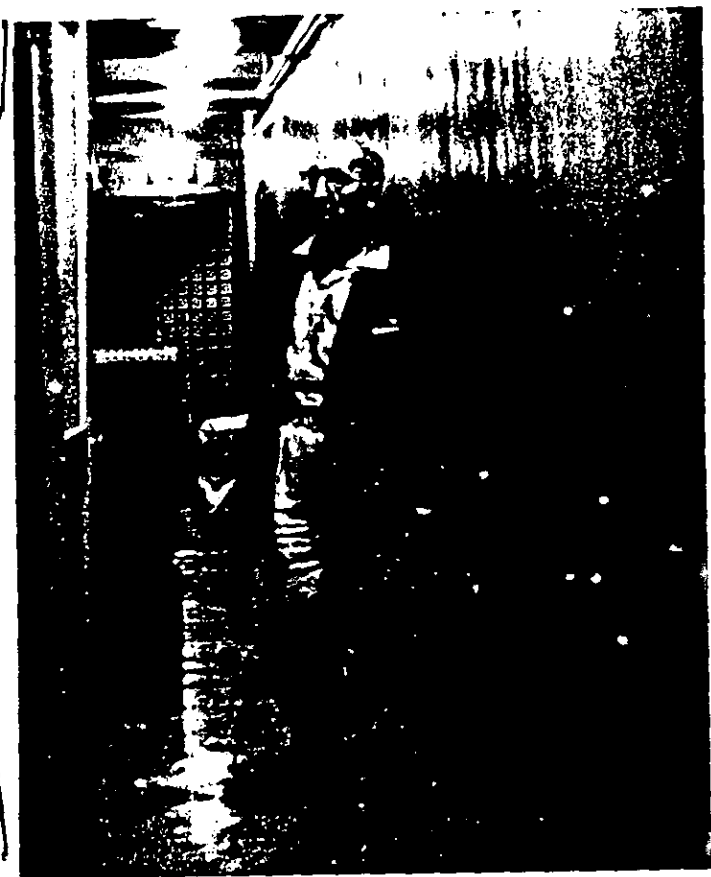
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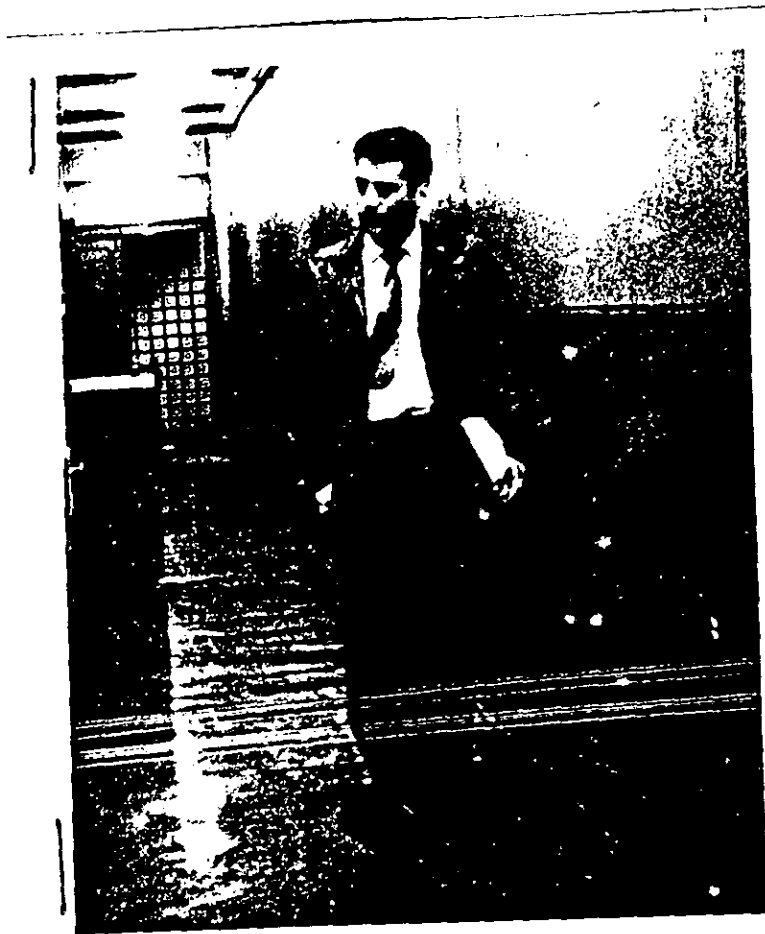


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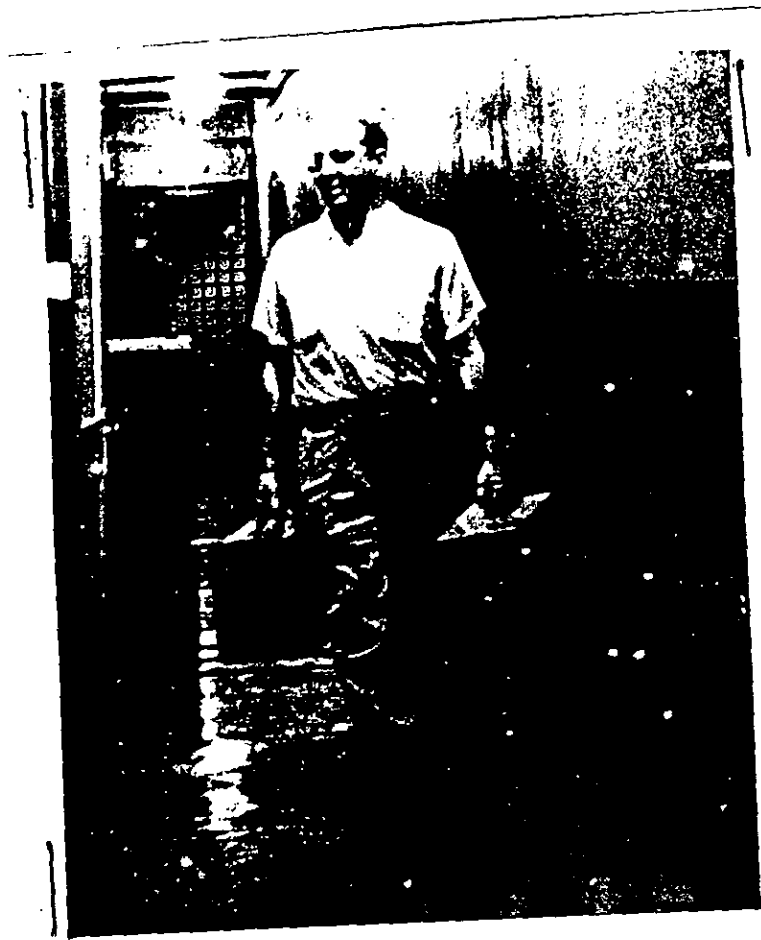
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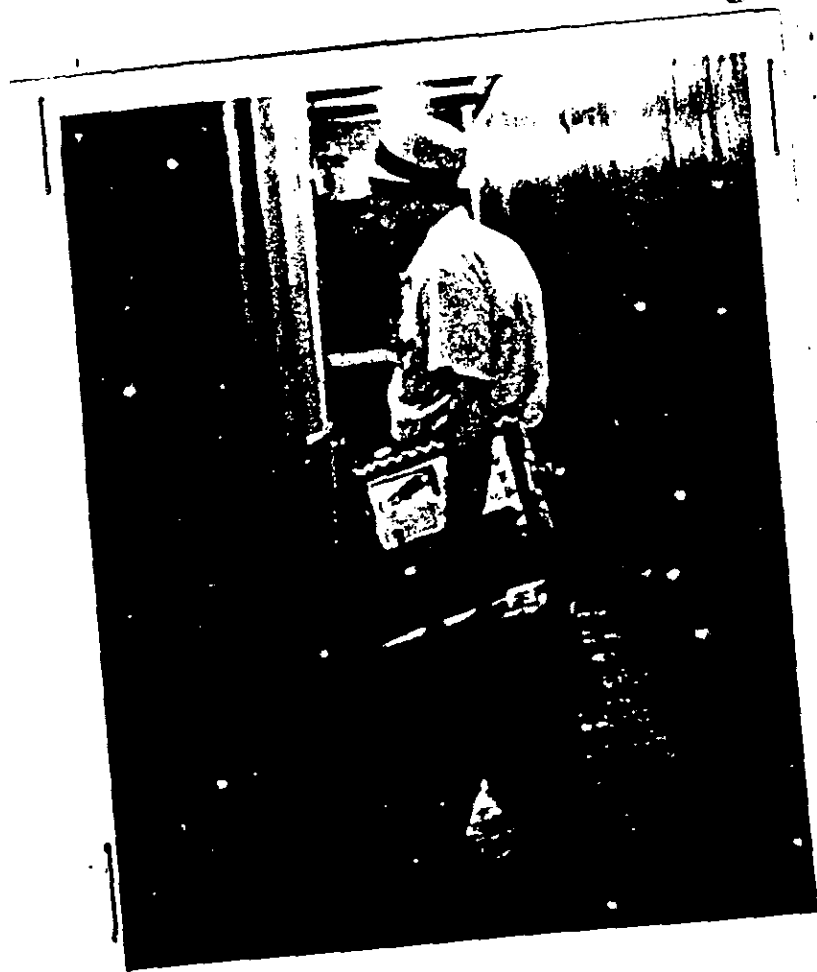
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#29

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of

INVESTIGATION

Bureau File Number

See also No. 1

Serial Number



#1

Subject: \_\_\_\_\_ date \_\_\_\_\_  
address \_\_\_\_\_  
Subject: \_\_\_\_\_ date \_\_\_\_\_  
address \_\_\_\_\_  
Slattery  
Agent





#2

1 Subject

Identifying Agent

Date

Address

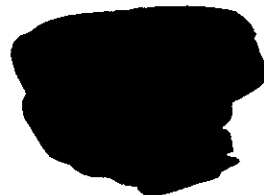
Subject FLORENCE HASKELL

Identifying Agent

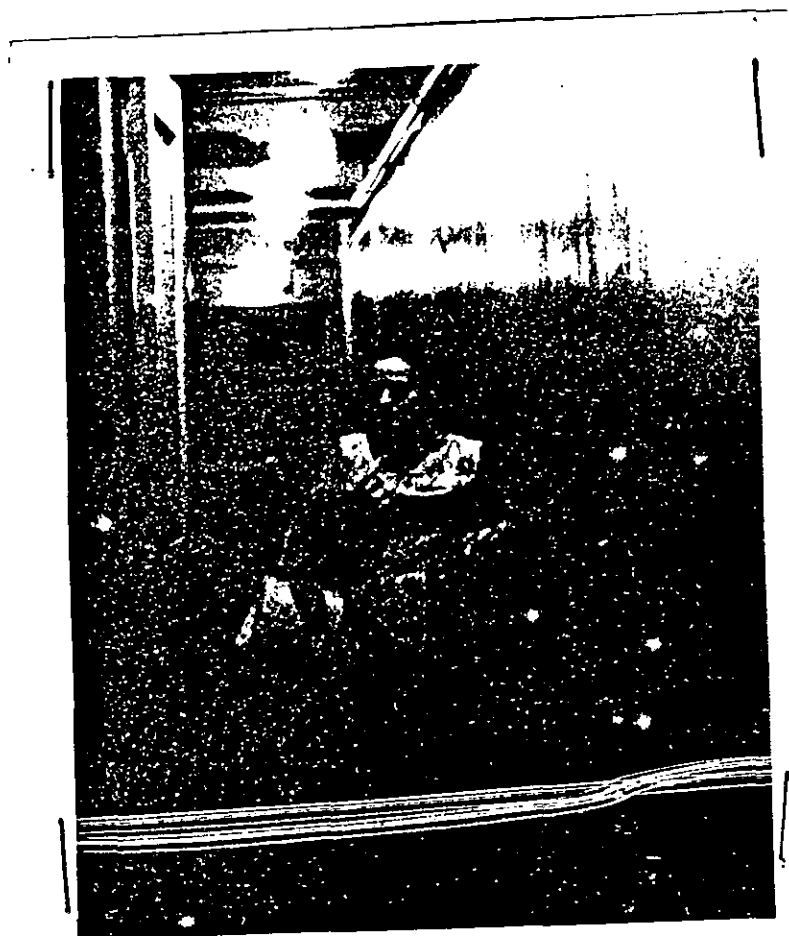
Mahr 11-11 date 10/20/57

Address 617 HENDRIX ST. BROOKLYN, N.Y.

possibly Florence Haskell  
617 Hendrix St  
Bklyn



b7d



# 3

Subject FLORENCE HASKELL

*Identifying  
Agent* Maher <sup>12-11</sup> date 10/26/57

Address 617 HENRIK ST. BROOKLYN, N.Y.



# 4

*Sljic*

*Ad. Dr.*

*Ident.  
Agad*

*date*